



Security Council

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Letter dated 25 June 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 5 May 2004 (S/2004/369). The Counter-Terrorism Committee has received the attached fourth report from Spain submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Alexander V. **Konuzin**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 18 June 2004 from the Permanent Representative of Spain to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Please find attached the report of Spain submitted in response to the third letter of the Counter-Terrorism Committee (see enclosure).

(Signed) Juan Antonio Yáñez-Barnuevo
Ambassador
Permanent Representative
Permanent Mission of Spain to the United Nations

Enclosure*

[Original: Spanish/English]

Report submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001**1. Implementation measures****I. Effectiveness in the protection of the financial system****1.1****1. Ratification of the International Convention for the Suppression of the Financing of Terrorism.**

The International Convention for the Suppression of the Financing of Terrorism (done at New York on 9 December 1999) was ratified by Spain on 1 April 2002.¹ In accordance with article 96 of the Spanish Constitution of 27 December 1978, "validly concluded international treaties once officially published in Spain shall constitute part of the internal legal order".

Subsequent to the ratification of the International Convention for the Suppression of the Financing of Terrorism, Law 12/2003 of 21 May, the Prevention and Blocking of Terrorist Financing Act, and Organic Law 4/2003 of 21 May, which supplements the Prevention and Blocking of Terrorist Financing Act, were enacted.

Law 12/2003, while recognizing that "terrorism is one of the major aggressions against the peace, security and stability of democratic societies", affirms that "one basic aspect of the prevention of the perpetration of terrorist acts is the stopping of the financial flows used by terrorist organizations".²

The Statement of Reasons for Law 12/2003 emphasizes, in particular, the requirement of paragraph 1 (c) of Security Council resolution 1373 (2001) which orders the freezing of funds "without delay".

These texts were not the first in Spain to address the combating of the financing of crime, although they are the first specifically relating to combating terrorist financing. Thus, prior to Law 12/2003, the legal regime against the financing of crime in Spain consisted of Law 19/1993 of 28 December, the Measures for the Prevention of Money Laundering Act³ and by Law 40/1979 of 10 December, the Legal Regime for Exchange Control Act.

* Annexes are on file with the Secretariat and are available for consultation.

¹ *Official Gazette* of Spain, 23 May 2002.

² These expressions are taken up in the Statement of Reasons for the Act which also mentions that Security Council resolution 1373 (2001), adopted on 28 September 2001, called on States to adopt the necessary measures to prevent and suppress the crime of terrorism and, in particular, the financing of terrorist acts (para. 1 of resolution 1373 (2001)).

³ This Law regulates the functions of the Commission on the Prevention of Money Laundering and Currency Violations, the competences of which are not affected by the new Supervisory Commission on Terrorist Financing Activities (art. 9.6 of Law 12/2003).

Purpose of Law 12/2003

Under the new regulatory regime envisaged by Law 12/2003 any type of financial flow may be blocked in order to ensure that the funds are not used for the preparation or perpetration of terrorist acts; in particular, it allows the blocking of accounts, balances, financial positions, capital transactions and movements of capital, withdrawal, payment and transfer operations in which the persons involved on any basis (ordering, issuing, holding, receiving or benefiting therefrom) are individuals or entities associated with terrorist groups or organizations, or when the operation is carried out for the perpetration of terrorist acts or in order to contribute to the purposes being pursued by the terrorist groups. In this context, the blocking covers any financial operation in a broad sense, including the ordinary management of a portfolio of securities.

In addition, persons who have links with terrorist groups may be forbidden to open accounts with financial entities or their branches.

Supervisory Commission on Terrorist Financing Activities

The blocking functions to which we have referred will be exercised by the Supervisory Commission on Terrorist Financing Activities, a body created by Law 12/2003; its membership includes the Secretary of State for Security as Chairman, one member from the Public Prosecutor's Office appointed by the Attorney-General, one representative of the Ministries of Justice, the Interior and Economic Affairs, and the Director of the Executive Service of the Commission on the Prevention of Money-Laundering and Currency Violations, who acts as secretary.

Collaboration with the Commission

Article 4 of Law 12/2003 makes it incumbent on government services, credit and insurance companies, investment service enterprises, currency exchange establishments and other bodies providing financial services to collaborate with the Commission in the performance of its functions and, in particular, to take the necessary measures to ensure the effectiveness of any agreed blocking measures. Compliance with that obligation will not involve breach of contract or imply the assumption of any form of liability. On the contrary, failure to comply with the duty to collaborate will be regarded as a very serious offence and will give rise to the imposition of the appropriate penalty by the Ministry of the Interior.

Obligation to provide information

For the effective performance of its tasks, Law 12/2003 makes it mandatory for certain bodies to provide information obtained in the course of their official duties to the Supervisory Commission on Terrorist Financing Activities. This obligation to collaborate applies, in particular, to bodies such as the Bank of Spain, the National Stock Exchange Board and, in general, to all bodies with supervisory powers in the financial field. The obligation to submit information to the Commission also extends to the Executive Service of the Commission on the Prevention of Money-Laundering and Currency Violations referred to in article 15.2 of Law 19/1993.

Jurisdictional control and relation to the courts

Decisions by the Supervisory Commission on Terrorist Financing Activities may be challenged before the Administrative Law Division of the High Court (article 66 of Organic Law 6/1985 of 1 July on the judiciary, and article 11.1 of Law 29/1998, of 13 July Regulating Contentious Administrative Proceedings in the version contained in Organic Law 4/2003 of 21 May).

Furthermore, the Commission, within the scope of its functions, will provide the necessary assistance to the criminal jurisdictional bodies and to the Ministry of Economic Affairs and must inform the latter of any incident that may constitute an offence.

2. Substantive criminal law

In conclusion, it must be pointed out that, among the provisions of the Spanish Penal Code on terrorist offences (articles 571 to 580) penalties are imposed for the provision of funds to armed bands, organizations or terrorist groups through property-related offences (article 575), as well as collaboration with the activities or objectives of an armed band, organization or terrorist group and, in particular, cooperation, assistance or trading, whether economic or of any other kind (article 576). Such action is punishable under Spanish law pre-dating the International Convention for the Suppression of the Financing of Terrorism.

It is also to be noted that Spanish law establishes universal jurisdiction to criminalize the preparation of terrorist acts in Spain, and for the perpetration of such acts in or outside Spanish territory. Specifically, paragraph 4 of article 23 of Organic Law 6/1985 on the judiciary confers jurisdiction on Spanish judges and courts "to try acts committed by Spanish citizens or aliens outside national territory that are likely to be characterized under Spanish criminal law as terrorist offences".

Furthermore, Organic Law 20/2003, of 23 December, criminalized the provision of funds, public assets and subventions or public assistance of any type to illegal associations when such action is taken by a government authority or official.

1.2

(a) With respect to the question relating to the recent evaluation by organizations involved in the protection of financial systems against abuse by criminals and, in particular, against abuse by people or entities intent on directing funds towards the financing of terrorism, Spain has periodically been subjected to the evaluation provided for in article IV of the Articles of Agreement of the International Monetary Fund (IMF).

Under that article, an IMF staff team made an exhaustive report on the global condition of the Spanish economy which was submitted to the Executive Board and approved in March 2004 (annex). In paragraph 33 of the report in the section entitled "Other issues", the following statement occurs:

"The authorities pointed to two concrete steps in 2003 reflecting their commitment to counter money-laundering (AML) and the financing of terrorism (CFT). First, Spain's AML framework was strengthened by the adoption, in July 2003, of new provisions fully implementing the 2001 EU Directive. The provisions extend the definition of money laundering offences to cover all serious offences; prescribe customer due diligence and suspicious

transaction reporting duties for lawyers, notaries, auditors, and accountants, and require financial institutions and other reporting entities to adopt 'reasonable measures' to verify their customers' professional or economic activities. Second, a comprehensive CFT law was adopted in May 2003, establishing a Commission for the Oversight of Terrorist Financing, which is empowered to block or freeze a wide range of assets and transactions when 'the transaction, movement or operation is performed for the purpose, or on the occasion of perpetrating terrorist activities, or for contributing to the goals pursued by terrorist groups or organizations.'

(b) After the second round mutual evaluation of the tenth meeting of the Financial Action Task Force (GAFI/FATF), Spain took the measures described below.

- In the second FATF mutual evaluation report made of Spain in 1998 (hereinafter the 1998 report) it was pointed out that, given the number and diversity of the Spanish authorities responsible for the prevention policy, it would be desirable to rationalize structures and procedures.

The institutional system for combating money-laundering in Spain is geared to ensuring the maximum intergovernmental coordination. The body with overall responsibility in this area is the Commission on the Prevention of Money-Laundering and Currency Violations (hereinafter the Commission). The Commission is interdisciplinary in nature since it comprises senior officials of the administration with competence in various areas linked with combating money-laundering and the financing of terrorism, as well as representatives of the Public Prosecutor's Office. It is chaired by the Secretary of State for the Economy and has the following subsidiary organs:

- The secretariat which mainly performs functions of instituting and investigating administrative prosecutions, together with other functions that will be described below.
- The Executive Service (hereinafter SEPBLAC) which is the Financial Intelligence Unit.

In order to achieve the objective of rationalizing structures and procedures and maintaining the institutional structure indicated in the Prevention of Money-Laundering Act, Spain has changed the operational and planning methods of the above-mentioned bodies with a view to ensuring that the prevention policy is conducted in an effective and coordinated manner between all the actors involved.

Thus, it must be emphasized first of all that the Commission, which normally meets in plenary at least twice a year, also acts through its Standing Committee which meets once every two months. The latter Committee, which is chaired by the Director General of the Treasury and Financial Policy⁴ has a more technically oriented membership than the plenary since its members are high-level officials (generally Under-Secretaries-General), rather than senior officials. Thus the Standing Committee undertakes more technical and concrete tasks, while the money-laundering prevention policy is directed by the Commission when it meets in plenary. The frequency of meetings of the Standing Committee is also a key factor

⁴ This Directorate is part of the Secretariat of State for the Economy and is therefore hierarchically dependent on it.

with a view to achieving coordination between all bodies, and also with a view to ensuring the specific follow-up of cases.

Another element that assisted in the rationalization of structures and procedures has been the role taken by the Secretariat under an Assistant Director-General of the General Directorate of the Treasury and Financial Policy; it is therefore hierarchically subordinate both to the Chairman of the Standing Committee and to the Chairman of the Commission itself. Thus, the Office of the Assistant Director-General supports the Office of the Chairman in its work, prepares working documents, carries out the day-to-day follow-up of the prevention policy and represents Spain in international bodies dealing with the prevention of money-laundering and terrorist financing.⁵

As an example of the effort to rationalize structures and procedures mention may be made of the preparation and approval within the Commission of inspection plans on the basis of which a periodic efficient selection is made of entities that are to be inspected by SEPBLAC. These inspections, where appropriate, will lead to the opening of administrative prosecution files in respect of such entities. These administrative prosecution files are drawn up by the staff of the Secretariat.

In the second place, the 1998 report pointed out that, between July 1995 and December 1997, out of a total of 1,732 suspicious operations notified to SEPBLAC, 893 were in the banking sector and 480 were in other sectors for whose activities a licence is required and which are subject to supervision. By way of contrast to these figures, during the same period the currency exchange establishments, of which there are over 5,000 in Spain, notified only 17 suspicious operations.

Similarly, attention was drawn to the inherent risk of currency exchange establishments with respect to money-laundering since the money-launderers are transferring their criminal activity to non-financial sectors because of the increasingly strict control being exercised over the financial sector.

At the same time, the 1998 report noted that there were almost no routine communications⁶ from currency exchange establishments.

This situation has changed significantly in recent years.

⁵ For example, the Office of the Assistant Director-General for Inspection and Control of Capital Movements, which is the unit of the General Directorate of the Treasury and Financial Policy which assumes the Secretariat functions of the Commission coordinates the Spanish delegation to FATF and to all analogous regional bodies. In that way, representation abroad is not entrusted to the Government delegation for the National Plan on Drugs but to the Office of an Assistant Director-General hierarchically subordinate to the office of the Chairman of the Standing Committee and of the Commission.

⁶ In addition to the notification of operations apparently or undoubtedly involving money-laundering (suspicious operations) or without any apparent economic or legitimate purpose (unusual operations), Spanish regulations make it mandatory to notify on a routine basis and at monthly intervals the following transactions:

- Operations entailing the physical movement of specie, banknotes, travellers cheques, cheques or other bearer documents issued by credit establishments, other than those that are the subject of a credit or charge against the account of a client, to a value greater than 30,050 Euros or the equivalent in foreign currency.
- Operations with or by persons or legal entities resident in territories or countries that are regarded as a tax haven when the amount involved is greater than 30,050 Euros or the equivalent in foreign currency.

In the first place, the following legal norms have been approved to regulate the sector:

- Royal Decree 2660/1998, of 14 December 1998, which regulated the changing of foreign currencies in establishments open to the public, apart from credit agencies.
- Order of 16 November 2000, regulating particular aspects of the legal regime of currency exchange establishments and their agents.
- Bank of Spain Circular 6/2001, of 29 October 2001, on heads of currency exchange establishments.

This legislation establishes the requirements for engaging in currency exchange activities, and the transfer of funds, makes them subject to a regime of authorization and supervision and, in addition, establishes a regime for the imposition of penalties and for inspections by the Bank of Spain. In short, the situation has changed and this sector is now subject to supervision and licensing.

There were 73 suspicious operations notified to SEPBLAC by currency exchange establishments in 2000, 2001 and 2002. There has thus been a significant increase in reports by bodies of this type.

With respect to routine notifications, 53 were notified by exchange houses in 2000, 100 in 2001 and 18,055 in 2002. There has thus been a very significant increase, particularly with respect to the most recent figure.

The process of painstaking inspection, as well as the opening of administrative prosecution files, has undoubtedly been a major factor in improving efforts to give effect to the rules for preventing money-laundering.

Thus, under the inspection plan for 2000, inspections were made of 32 currency exchange establishments, resulting in the opening of seven administrative prosecution files. In six out of the seven cases financial penalties were imposed. The remaining file is currently on hold because legal proceedings are under way that might have a bearing on the administrative prosecution.

- In the 1998 report it was noted that hardly any administrative prosecution files had previously been opened.

Since then, the situation has changed significantly.

Since the approval of the inspection plan for 2000, a total of 94 inspections of entities subject to them have been carried out.

These inspections have resulted in:

- The imposition of penalties on six credit establishments. The penalties totalled 3,340,910 euros. In one of these cases a public reprimand was delivered in addition to the fine.
- The imposition of sanctions totalling 916,012 euros on four currency exchange establishments. In one of these cases, a public reprimand was delivered in addition to the fine.
- The imposition of penalties totalling 275,000 euros on one real estate company.

Administrative prosecution files are currently being processed with respect to three credit establishments and two currency exchange establishments (one of which has been put on hold in connection with ongoing legal proceedings).

- In the 1998 report it was stated that the preventive effect of the Spanish regulations was restricted to three types of cases:
 - Criminal activities related to toxic or narcotic drugs or psychotropic substances.
 - Criminal activities related to armed bands and terrorist organizations or groups.
 - Criminal activities conducted by organized bands or groups.

When Law 19/2003 of 4 July 2003, on the movement of capital and economic transactions with other countries and on specific measures for the prevention of money-laundering was approved, the regulations changed. This was in compliance with the adoption of the new European directive on the prevention of money-laundering and, together with other aspects such as the increase in the list of entities subject to the Law, there was also an extension, for preventive purposes, to the underlying criminal offence.

Thus, the new article 1 of the Prevention of Money-laundering Act provides that: "This Act regulates the obligations, actions and procedures for forestalling and preventing the utilization of the financial system, as well as of other sectors of economic activity, for the laundering of money arising from any type of illegal participation in the perpetration of an offence punishable by a term of imprisonment of more than three years". It is to be noted that financing of terrorism, as an offence punishable by a term of imprisonment of up to 10 years (article 576 of the Penal Code) must be regarded as a criminal offence underlying money-laundering.

Lastly, in the 1998 report it was pointed out that the two prosecutors belonging to the Commission must coordinate their activities. Such coordination exists and is fully effective since the Ministry of Economic Affairs in Spain is, under its Statute, an institution whose organization is governed by the hierarchical principle. Thus, both prosecutors answer to the same higher authority: the Government Procurator.

II. Effectiveness of counter-terrorism machinery

1.3 With a view to preventing, in particular, the commission of terrorist acts, the Government had developed the following initiatives within a counter-terrorism plan in order to address that phenomenon:

Emphasizing and intensifying the action taken in recent years as part of a comprehensive fight on all fronts against the terrorist organization ETA, principally affecting the operational level but not neglecting other aspects such as those relating to the financial, political, international and other networks of the armed band itself.

In the field of international terrorism, the strategy is as follows:

- Action in the rural and urban environment through the creation of joint units which address terrorism from a two-fold perspective: criminality connected with aliens and linked with terrorism and radicalism where there is a link with terrorism.

- In a year and a half the human and technical resources of the central units of the security bodies and forces of the State are being tripled.
- At the international level, the State security bodies must have access to international databases and multidisciplinary working groups in the area of counter-terrorism, where appropriate.

Another government initiative has been the creation of a National Counter-terrorism Coordination Centre with the participation of the two State security bodies responsible to the Ministry of the Interior (national police force and Civil Guard), together with the National Intelligence Centre (which comes under the Ministry of Defence). The National Counter-terrorism Coordination Council does not take on operational tasks which are in the hands of the security bodies and forces but is responsible for:

- Gathering information from what is already held in the database of each of the bodies and from international databases;
- Analysing such information;
- Coordinating operational activities.

The aim of this activity is:

- To evaluate the terrorist threat on an ongoing basis;
- To keep the initiative in counter-terrorism;
- To identify possible scenarios for intervention.

Groups specializing in terrorist financing and cyber-terrorism must also be strengthened.

Another measure is the creation of a judicial/prosecutorial body specializing in the subject which will be the first level of coordination, prevention and investigation.

In addition, it is also necessary to strengthen human resources and ensure their education and training, to increase the available equipment and infrastructure and provide the stimulus for the necessary legislative measures to enable the new challenges raised by international terrorism to be addressed effectively.

Similarly, the Government has decided to create an Executive Committee for the unified command of the security forces and bodies of the State with the functions specified below which will, in particular, enhance all aspects of counter-terrorism:

- Preparation, implementation and supervision of integrated programmes, procedures and services for the security bodies;
- Ensuring organizational and operational coordination with the security bodies in carrying out their functions with respect to international police cooperation, public security, information and investigation, criminal investigation department, infrastructure and equipment.

The priority objectives of this Executive Committee are:

- The creation of special joint units on terrorism and other forms of crime which are to be engaged in intelligence and investigation, police intervention and deactivation of explosives;
- The creation and management of a joint police database with access shared by the State security forces and bodies;
- Promoting the creation of a body responsible for scientific police work in order to ensure effective collaboration by the competent units of the security bodies;
- Promoting the creation of a study centre on public security to ensure consistency in the training of members of the State security forces and bodies;
- Creation and organization of facilities serving the public to facilitate immediate and direct access to police services;
- Strengthening particular aspects of international police cooperation.

1.4 During 2003 the following operations were carried out:

- Twelve police operations against international terrorism resulting in a total of 34 arrests of elements to a greater or lesser degree connected with Islamist terrorist groups and the arrest of one individual linked to extreme left-wing terrorism.
- Twenty-nine operations against the terrorist organization ETA (12 of them in collaboration with France) and ETA associates resulting in the arrest of 163 members of collaborators with that organization.
- One operation which resulted in the detention of three members of the terrorist organization GRAPO.
- Five operations against anarcho-terrorism resulting in the arrest of 12 individuals.

1.5 The only measures of investigation specifically for the prosecution of terrorist offences envisaged in Spain's procedural legislation are those referred to in the report submitted on 21 December 2001.

Under article 55 of the Spanish Constitution, an organic law may determine the manner and the cases in which, on an individual basis and with the necessary judicial involvement and adequate parliamentary control, the rights recognized in article 17, paragraph 2 (maximum period of preventive arrest), and in article 18, paragraphs 2 and 3 (inviolability of the home and secrecy of communications), may be suspended for certain persons at the time of investigations of the activities of armed bands or terrorist elements. Thus, Spanish procedural legislation provides for:

- The extension of police detention by 48 hours, in addition to the initial 72 hours, provided that, within the first 48 hours of the period of detention, a judge receives a reasoned request to that effect and grants it within the subsequent 24-hour period (article 520 bis of the Criminal Procedures Act);
- Incommunicado detention, by judicial decision (article 520 bis);
- Detention by the police authority, irrespective of the place or domicile in which the supposed terrorists hid or took refuge, and a search made of such

places at the time of detention and the seizure of personal effects and tools found therein which may be related to the offence committed (article 553 of the Criminal Procedures Act).

Monitoring of communications, ordered by the Minister of the Interior or, failing him, by the Director of State Security, which is notified immediately in writing to the competent judge who, stating the reasons therefor, will rescind or confirm such decision within a maximum of 72 hours (article 579.4).

The organic law on the judiciary assigns responsibility for considering terrorist offences to a judicial body having jurisdiction throughout the national territory, namely the High Court (Audiencia Nacional).

The Spanish tax authorities and the judiciary receive special training in relation to typologies and trends in terrorist financing methods and techniques and in techniques for tracing property and funds of criminal origin with a view to their confiscation.

III. Effectiveness of customs, immigration and border controls

1.6 (a) Following the adoption of the resolution of the World Customs Organization (WCO) on security and facilitation of the international trade supply chain in June 2002, that Organization made great efforts to strengthen the role of the customs in enhancing the security of the trade supply chain.

For that purpose a working group on security and facilitation of the trade supply chain was set up in which the Department of Customs and Special Taxes of the Ministry of Development took an active part.

The working group reviewed the WCO Customs Data Model to ensure that it included a standardized set of data elements necessary to identify high-risk goods, and also the various legal instruments, to ensure the inclusion of provisions relating to security, and issued guidelines to enhance relations with the private sector and to assist it to apply the new regulations relating to security.

These efforts were incorporated in a plan of action designed to ensure the progressive application of the various measures by the members of WCO. The implementation of certain WCO instruments, such as the application of the list of data to be included in manifests, the use of a unique code for shipments, and so forth, have to be incorporated in the national legislation of the various countries.

In the case of the States members of the European Union, it is necessary to bear in mind the applicable community legislation. At the present time, work is in progress on amending the Community Customs Code (EEC No. 2913/92 of 12 October 1992) and the Implementation Measures which should, as far as possible, include the recommendations made in this area by the World Customs Organization.

The Spanish Government is convinced of the importance of developing a more secure trade supply chain and is working to achieve that through the departments of the administration that have the authority to monitor international movements of goods and includes the related threat as one of its day-to-day priorities.

1.6 (b) In Spain, the monitoring of movements of cargo and people is undertaken by separate agencies. Authority for monitoring the movement of persons lies with the Ministry of the Interior whereas it is the Ministry of Economic Affairs and,

specifically, the Department of Customs, that monitors international movements of goods.

With respect to the sharing of information on terrorism, the Department of Customs forwards any information it obtains to the Ministry of the Interior which is the competent ministry for investigations on that matter.

IV. Controls on preventing access to weapons by terrorists

1.7 On 29 June 2002, the World Customs Organization adopted a recommendation concerning the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

That Protocol covers matters that also have to be regulated at the Community level. To that end, the services of the European Commission are preparing standards for the development of that Protocol with respect, in particular, to licences for the import, export and transit of firearms, together with their marking and traceability.

However, the recommendations referring to risk assessment, machinery for verification and exchanges of information already apply. Specifically, Organic Law 12/1995 of 12 December, the Suppression of Smuggling Act, and Organic Law 3/1992 of 30 April, which make it an offence to smuggle defence materiel or dual-use goods, provide that the Government will approve the schedules of defence materiel and will establish the requirements, conditions and procedures governing authorizations. The national legislation dealing with these matters is Royal Decree 491/1998 of 27 March, approving the Regulations for the Foreign Trade in Defence Materiel and Dual-Use Goods.

With regard to the system of penalties and sanctions, in addition to the provisions in force in the Penal Code with respect to arms trafficking, Organic Law 12/1995 of 12 December, the Suppression of Smuggling Act, is applied; this treats as an offence, in particular, the export without authorization, or on the basis of an authorization obtained by fraud, of defence materiel or dual-use goods.

The adoption of the Common Position of the Council of the European Union (2003/468/CFSP) of 23 June 2003 on the control of arms brokering and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects make it necessary to monitor brokerage operations in the arms trade from Spanish territory.

The purpose of the above regulation is, in particular, to prevent the acquisition of arms and dual-use goods by individuals and by terrorist groups and organizations. Thus, authorization may be refused if there are reasonable indications that the defence materiel or dual-use goods might be used in acts detrimental to worldwide or regional peace, stability or security or that they might infringe the international obligations of Spain and the guidelines within the European Union, particularly the criteria of the European Union Code of Conduct on Arms Exports of 8 June 1998.

1.8, 1.9, 1.10 The control of the circulation of and foreign trade in firearms is regulated in Spain by Royal Decree Law 137/1993 of 29 January whereby the Ministry of the Interior and the Directorate General of the Civil Guard are competent with regard to this matter and the Ministry of Industry, Tourism and

Trade is responsible for the regulation and management of import and export licences.

The marking and numbering of weapons and the punching of test benches are the responsibility of the services of the Civil Guard which keeps a register of marks, counter-marks and punches.

Arms presented for shipment at customs offices qualified for that purpose require a licence or authorization issued by the Ministry of Trade. Once they have been verified in the presence of the Civil Guard, they are placed at the disposal of the Arms Control Department for purposes of custody and transfer in accordance with the arms shipment handbook.

The above-mentioned Royal Decree Law provides penalties for violations of its provisions which include confiscation followed by auction and destruction.

Prior to the grant of any administrative authorization for the import/introduction or export/shipment of any materiel, product or technology, an entry must be made in a special Register of exporters of defence materiel and dual-use goods.

Requests for authorization must be accompanied by the control documents so as to provide adequate guarantees that the purpose and, where appropriate, the final use of the materiel are consistent with the authorization; the documents must also be authenticated and certificates of delivery are also required.

With respect to the principles of risk assessment, the Department of Customs and Special Taxes of the Ministry of Economic Affairs is working to develop a risk assessment analysis for arms control; this is at an advanced stage and is expected to be implemented shortly.



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Note verbale dated 30 June 2004 from the Permanent Mission of Chile to the United Nations addressed to the President of the Security Council

The Permanent Mission of Chile to the United Nations presents its compliments to the Permanent Representative of Romania to the United Nations, in his capacity as President of the Security Council for July, and has the honour to attach the assessment of Chile's Presidency of the Security Council in January 2004, for circulation as a document of the Security Council.



Annex to the note verbale dated 30 June 2004 from the Permanent Mission of Chile to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Chile (January 2004)

Summary

During the month of January 2004, the Security Council was presided over by Ambassador Heraldo Muñoz, Permanent Representative of Chile to the United Nations. During the month, the Council completed an extensive programme of work and held 25 meetings, 8 of which were public meetings, 3 open debates, 5 private meetings and 9 closed debates. The Council also adopted five resolutions, on the situation in the Democratic Republic of the Congo, the situation in Western Sahara, the situation in Georgia, the situation in the Middle East, and threats to international peace and security; it adopted two statements by the President, on small arms and post-conflict national reconciliation. The President of the Security Council also issued seven statements to the press, on the situation in Afghanistan, the situation in Ethiopia and Eritrea, the situation in Sierra Leone, the activities of Lakhdar Brahimi in Afghanistan, the situation in Burundi, the situation in the Central African Republic, and once again on the situation in Ethiopia and Eritrea.

The open debates held during the month concerned the issues of children in armed conflict, post-conflict national reconciliation, and small arms; the meetings on the first two issues were chaired by the Minister for Foreign Affairs of Chile, Soledad Alvear Valenzuela, and the third meeting by the Permanent Representative of Chile to the United Nations. During those meetings, at which authorities and experts on the respective subjects from the United Nations and its agencies were present, all of the members of the Security Council participated, followed by a large number of delegations interested in contributing to the debate.

In addition, at an open meeting, Ambassador Heraldo Muñoz, in his capacity as Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban, presented the report on the work done by the Committee and the status of implementation of the sanctions provided for in the relevant resolutions of the Security Council, proposing measures to enhance international cooperation aimed at preventing financial support for terrorism and ensuring the implementation of national measures of a political and legal character, which are essential in the struggle against terrorism.

Public meetings

Children in armed conflict

The Council held an open debate on the situation of children in armed conflict, an issue that has been dealt with by this organ since 1998.

The open debate was presided over by the Minister for Foreign Affairs of Chile and was attended by the Special Representative of the Secretary-General on this question, Olara Otunnu, who submitted a new report on developments in legal protection and in the various situations faced by children in armed conflict. Others

making statements included the Executive Director of UNICEF, Carol Bellamy, and 40 representatives of States Members of the Organization, including all of the members of the Security Council.

The debate revealed two facts:

(a) That a general and specific legal framework exists that protects the rights of children in armed conflict. The most recent of these include the Convention on the Rights of the Child, the Optional Protocols thereto, ILO Convention No. 182, the Rome Statute of the International Criminal Court and the resolutions of the Council itself;

(b) That the implementation of the aforementioned legal framework is inconsistent. The Secretary-General himself has stated that it is necessary to enter into the "era of application".

The debate, as was the case in many other areas, drew attention to the imbalance between the progressive development of international law in recent times and the continuing failure to comply with its norms.

Conscious of the grave violations suffered by boys and girls who are used and recruited as soldiers and of the abuses that accompany this situation (sexual abuse, mutilation, abduction, forced labour, separation from their families, lack of identity and status as refugees, among many others), the Security Council agreed on the need to continue working to improve the implementation of the existing legal framework. It reiterated the necessity of identifying the guilty parties (countries or groups) and repeat offenders in the lists annexed to the report of the Secretary-General. At the same time, there was a general agreement to expand the above-mentioned lists to include other types of violation.

The above-mentioned public meeting was preceded by an "Arria formula" meeting, convened by the delegation of France, the participants in which included representatives of the members of the Security Council and of important members of the alliance of non-governmental organizations, Watchlist on Children and Armed Conflict, namely, Save the Children, Human Rights Watch, CARE International and World Vision.

The meeting provided an opportunity for an exchange of views between representatives of civil society and Governments on the topic and on the steps that needed to be taken to continue to make progress, and it contributed to a better understanding of the situation of children in armed conflict. France submitted a draft resolution on children in armed conflict.

Committee on sanctions against Al-Qaida and the Taliban

Ambassador Heraldo Muñoz, in his capacity as Chairman of the Committee, submitted to the Security Council a report on the work done and on compliance with the sanctions by Member States. He also proposed measures to improve international cooperation and to ensure that States that provided extraterritorial financial services cooperated with the countries of residence of the individuals or entities to ensure that no financial resources could be used to support terrorist activities. He added that the principal objective of the work of the Committee in 2004 would be for all Member States to continue to focus their attention on the

problem of terrorism and for national measures against terrorism to include appropriate policies and activities.

The Council unanimously adopted resolution 1526 (2004) on threats to international peace and security caused by terrorist acts, the draft of which was submitted by Chile, the United States of America and the Russian Federation and which was adopted as a text of the President. It contains a number of provisions to strengthen the sanctions regime; the Council, *inter alia*:

- Reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts.
- Demanded the immediate freezing of the economic and financial resources of individuals or entities that have been identified as linked to Osama bin Laden or the organization known as Al-Qaida or the Taliban.
- Demanded that Member States prevent those individuals and entities from transiting through their territories.
- Prohibited the sale or transfer of weapons, military or paramilitary equipment to the individuals or groups in question.
- Urged States to act vigorously and decisively to cut the flow of funds and other financial assets and economic resources to individuals and entities associated with the Al-Qaida organization, Osama bin Laden and/or the Taliban, and, in particular, for the first time included the idea of regulating non-profit organizations and unofficial or alternative money transfer systems.
- Requested States to establish internal requirements and procedures for the trans-border movement of currency.
- Once again established a panel of experts to assist the Committee in its work. This time, in addition to performing the work of monitoring the implementation of the sanctions, the panel is required to undertake analytical work and will have a more clearly defined role in supporting the work of the Committee. The number of experts has been increased from five to eight.
- Requested States that have not submitted their reports in accordance with resolution 1455 (2003) to do so no later than 31 March 2004, or, failing that, to explain the reasons why they have not complied with this requirement. A list will later be published of those States that have not done so and will include an analytic summary of the reasons for their failure as given by the States themselves.

Open debate on post-conflict national reconciliation: the role of the United Nations

The Security Council held an open debate on 26 January, proposed by Chile, on post-conflict national reconciliation: the role of the United Nations. The debate was chaired by the Minister for Foreign Affairs of Chile, who introduced the topic, read a message sent by the South African Archbishop and Nobel Peace Prize winner, Desmond Tutu, and made a statement on behalf of the Chilean delegation.

The Assistant Secretary-General for Political Affairs, the Assistant Secretary-General for Humanitarian Affairs and the Administrator of the United Nations Development Programme presented an institutional vision of reconciliation, which

guided the discussion. The debate continued with statements by the members of the Council followed by those of other Members of the United Nations.

There was a consensus that there are no universal solutions for reconciliation but that there is a series of criteria that must be fulfilled. It was also agreed that reconciliation is a complex process that can be subject to particular timing and modalities that cannot be imposed from outside.

It was noted that there is a close relationship between peace, reconciliation and justice. Peace is lasting insofar as it is based on reconciliation. Justice is an essential component of reconciliation. The value was reaffirmed of truth and reconciliation commissions, national tribunals, ad hoc international tribunals and the International Criminal Court as instruments in the process of reconciliation. Compensation for victims is another key component. Emphasis was placed on the vital role of civil society and the sense of belonging that must exist in any process of reconciliation.

Women are particularly well placed to contribute to processes of reconciliation and account should be taken of the particular situation of children.

With different emphases, note was taken of the linkages between the economic and social context and processes of reconciliation, as well as the rule of law and the promotion and protection of human rights as issues that are inherent in processes of reconciliation.

The delegations assigned an important role to the United Nations in facilitating and orienting processes of reconciliation. This support should take the form of the presentation of options and not of guiding the processes. Some delegations indicated that it was necessary to pursue a comprehensive approach. The benefit was pointed out of identifying elements of the process of reconciliation present in numerous peacekeeping operations, including those in Afghanistan, Angola, Burundi, Côte d'Ivoire, Kosovo, Liberia, Sierra Leone and Timor-Leste.

As a result of the debate, agreement can be said to have been reached that national reconciliation is one of the objectives of multilateral action in post-conflict situations.

In the presidential statement that was approved at the conclusion of the meeting (S/PRST/2004/2), the Council, inter alia, invited the Secretary-General to take account of the views expressed during the debate in the preparation of his report on the role of the United Nations in the promotion of justice and the rule of law. It also invited all States Members of the United Nations and other parts of the United Nations system with relevant experience and expertise to contribute to this process.

On 22 January, the Permanent Representative of Chile to the United Nations convened a meeting under the Arria formula, in preparation for the open debate on this topic. Participants in the debate included representatives of Amnesty International, Human Rights Watch, the International Center for Transitional Justice and the International Peace Academy. The meeting used as background two "non-papers" prepared by the Permanent Representative of Chile on the issues raised in the debate. The meeting provided a better understanding of the approach of the principal non-governmental organizations to the problem of reconciliation and their suggestions as to measures that the United Nations could adopt in this area.

Small arms

Small arms was the subject of another open debate, which was convened to consider the report of the Secretary-General on the status of implementation of the 12 measures contained in the recommendations of the Secretary-General on this matter. All the members of the Council spoke during the debate, followed by 21 other Member States. The representatives expressed appreciation for the content of the report, which notes the progress achieved, and identified areas in which the implementation of concrete measures is still needed.

Special mention was made of the adoption by the General Assembly of resolution 58/241, by which it established a working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The Council approved a statement of the President on this question (S/PRST/2004/1).

Afghanistan

A public meeting and private consultations were held on 15 January with the participation of the Special Representative of the Secretary-General, Lakhdar Brahimi, who delivered a comprehensive statement on the political, economic and social situation in Afghanistan, which included an analysis and projections of the country's future. This was the last participation by Mr. Brahimi on this topic since he has completed his work as Special Representative of the Secretary-General in Afghanistan and has assumed other functions as Special Adviser to the Secretary-General. The Secretary-General was present at the meeting and paid a tribute to his Special Representative in a statement in which he praised the outstanding work done in Afghanistan during the past two years. He also referred to recent progress made, such as the adoption of the new constitution by the Constitutional Loya Jirga, and alluded to some of the main challenges facing the country. Mr. Brahimi drew attention to some elements of the report of the Secretary-General (S/2003/1212):

- He drew attention to the adoption of the new constitution by the Loya Jirga and said that this should be a source of pride for the people of Afghanistan, who, despite the adversity that they continued to face, had succeeded in reaching agreement on a constitution through peaceful dialogue.
- He referred to the main problems that they would continue to face, including in particular the reform of the security sector and the grave difficulties that existed for security in the south, east and south-east of the country.
- He spoke in considerable detail of the main elements of the electoral process, the expansion of the International Security Assistance Force, and the situation with regard to the production of and trafficking in narcotic drugs.
- He indicated that, with respect to a base of popular support for the Government, there were certain deficiencies in the Loya Jirga, for example, the lack of support of the Pashtuns, who considered that they did not have adequate representation in the current Government; this was compounded by the fact that assistance has reached the regions where they live more slowly because of problems relating to lack of security.
- In the economic field, he indicated that the costs calculated at the Tokyo Conference should be reviewed. He said that, with a view to filling this gap, he

had circulated an unofficial document in which he had made a recommendation on the content of a possible new international donor conference to analyse and review the above-mentioned aspects.

- Both the Secretary-General and the Special Representative expressed the view that the necessary renewed commitment of the international community and the Government of Afghanistan to the continuation and completion of the transformation process beyond Bonn could best be mobilized by a further international conference on Afghanistan.

For their part, the members of the Council generally praised and congratulated the Special Representative of the Secretary-General for his long service at the head of the United Nations Assistance Mission in Afghanistan. They also stated that, despite the progress achieved under the Bonn Agreement, much more remained to be done to make the peace process irreversible, and they commented on the various aspects touched upon in the report of the Secretary-General. The German delegation expressed the readiness of the Government of Germany to host jointly with the Government of Afghanistan another international conference on Afghanistan. A statement to the press by the President of the Security Council on the situation in Afghanistan was adopted (SC/7979).

Private meetings

Iraq

The Security Council received in a private meeting a large delegation of the Governing Council of Iraq. The meeting was attended by the Secretary-General. The President of the Governing Council for the month of February, Adnan Pachachi, reported on the progress achieved recently in his country and remaining problems, and requested the Secretary-General to send a mission to determine the feasibility of holding direct elections at an early date. The Secretary-General subsequently decided to dispatch a fact-finding mission to Iraq, led by his Special Adviser, Lakhdar Brahimi.

Abkhazia, Georgia

The Security Council held a private meeting on Georgia, as agreed on 23 January, to receive the Minister for Special Affairs of Georgia, Malkhaz Kakabadze.* The Special Representative of the Secretary-General, Heidi Tagliavini, introduced the report of the Secretary-General (S/2004/26) and announced that a review meeting of the Group of Friends would be held at Geneva in the second half of February.

The Minister for Special Affairs of Georgia expressed his appreciation to the Special Representative for her work, and reaffirmed Georgia's commitment to a peaceful settlement of the conflict. He stated that economic recovery could not be used as a substitute for a political settlement. He concluded by inviting the Security Council mission to visit Georgia and Abkhazia.

* In accordance with rule 37 of the provisional rules of procedure of the Security Council.

The members of the Council expressed support for the Special Representative and their full backing for the United Nations Observer Mission in Georgia (UNOMIG) and for the Geneva recommendations and Sochi agreements.

Meetings of troop-contributing countries

The Council held three private meetings with troop contributors to the missions in Georgia (UNOMIG), Lebanon (UNIFIL) and Western Sahara (MINURSO).

Africa

Ethiopia and Eritrea

The Security Council received the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, who introduced the most recent report of the Secretary-General on the situation in Ethiopia and Eritrea (S/2003/1186) and on progress towards the implementation of resolutions 1320 (2000) and 1434 (2002), particularly with regard to the commitments undertaken in the Algiers Agreements, including the agreement on the Boundary Commission.

In his presentation, the Assistant Secretary-General reported that, despite the difficulties encountered in the peace process owing to the delay in the demarcation of the boundary and the rise in inflammatory rhetoric between the two countries, the overall situation in the Temporary Security Zone and adjacent areas was one of relative stability. He deplored the absence of political dialogue and the continuing delays in the implementation of the decision of the Boundary Commission, as well as the increasing restrictions on the freedom of movement of personnel of the United Nations Mission in Ethiopia and Eritrea.

In conclusion, he reiterated the need for the Security Council and other interested countries to remain firmly committed to the peace process and to support the Secretary-General in the new initiatives aimed at facilitating dialogue and building trust between the two countries, with a view to the full implementation of the Algiers Agreements and the decision of the Boundary Commission.

The Council adopted a press statement on this subject (SC/7972).

Sierra Leone

In consultations held on 9 January, the majority of the Council's members welcomed the implementation of the withdrawal plan for the United Nations Mission in Sierra Leone in accordance with the schedule provided for in resolution 1492 (2003) and the fact that responsibility for security matters had been gradually transferred to the police and army of Sierra Leone. They welcomed the stable situation in Sierra Leone and the appointment of the new Special Representative of the Secretary-General for Sierra Leone, Daudi Mwakawago (United Republic of Tanzania). The Council would receive a report of the Secretary-General in March with recommendations on a future United Nations presence. The Council adopted a press statement on this question (SC/7974).

Côte d'Ivoire

In consultations held on 15 January, the Assistant Secretary-General for Peacekeeping Operations presented to the Security Council the report of the Secretary-General on the United Nations Mission in Côte d'Ivoire (S/2004/3), which contained recommendations to increase the United Nations presence in that country. France circulated a draft resolution for the creation of a United Nations Operation in Côte d'Ivoire (UNOCI).

Democratic Republic of the Congo

The Security Council unanimously adopted resolution 1522 (2004), in which it decided that its demand for the demilitarization of Kisangani and its surroundings, set out in paragraph 3 of resolution 1304 (2000), would not apply to the restructured and integrated forces of the Democratic Republic of the Congo and the armed forces included in the comprehensive programme for the formation of an integrated and restructured national army. France submitted a draft text to complement the resolution for the creation of a mechanism to monitor the weapons embargo imposed in resolution 1493 (2003).

Central African Republic

At a meeting held on 23 January the members of the Council heard a presentation by the Special Representative of the Secretary-General for the Central African Republic, General Lamine Cissé, of the report on the situation in the Central African Republic and the activities of the United Nations Peace-building Support Office in that country (S/2003/1209).

General Cissé reported on the establishment of an inter-ministerial commission, the new electoral timetable and the urgent need for the international community to assist the Central African Republic in the preparation of future general elections (municipal, legislative and presidential). He also warned of the worsening of the security conditions both in Bangui and in the interior of the country. He commented on the poor state of the economy and the serious financial and budgetary problems faced by the transitional Government.

The various members of the Council that took the floor drew attention to the fact that the Central African Republic was now at a critical juncture. They welcomed the considerable progress made in the political dialogue. There was general agreement on the precarious security conditions and the serious socio-economic crisis facing the country.

The President of the Council held a meeting on the question with the Minister for Foreign Affairs of the Central African Republic.

Mission to West Africa

At a public meeting held on 23 January the Security Council took note of the progress report of the Secretary-General on the recommendations of the Council's mission to West Africa in July 2003. The delegations observed that since then there had been significant progress in the region and agreed on the importance of adopting a regional approach, since most of the problems faced were transnational in nature.

United Nations Mission for the Referendum in Western Sahara

The Council heard the report of the Secretary-General on the activities of the Identification Commission, which completed its mission on 31 December 2003. With regard to the activities of the military component of MINURSO, these continue to be focused on the monitoring of the ceasefire, and the zone for which it is responsible remains calm. It was proposed to extend the mandate of MINURSO until 30 April 2004 to give Morocco time to take a final decision on the implementation of the most recent peace plan proposal of the Special Envoy of the Secretary-General, James Baker. The Council adopted resolution 1523 (2004), by which it extended the mandate of MINURSO to 30 April 2004.

Middle East

Lebanon

In conformity with resolution 1353 (2001), the Security Council held a private meeting with troop contributors to the United Nations Interim Force in Lebanon (UNIFIL).

On 28 January, in private consultations, the Assistant Secretary-General for Peacekeeping Operations reviewed with the Security Council the report of the Secretary-General on UNIFIL (S/2004/50). He emphasized that, in view of the conditions prevailing in the region, the Secretary-General was recommending that the Security Council extend the mandate of UNIFIL until 31 July 2004.

The Security Council unanimously adopted resolution 1525 (2004) extending the mandate of UNIFIL for a further period of six months, until 31 July 2004.

The situation in the Middle East, including the Palestinian question

The Security Council held its monthly public briefing on the situation in the Middle East, including the Palestinian question. The Under-Secretary-General for Political Affairs, Kieran Prendergast, reported to the Council on the most recent developments and stated that the peace process remained stalled. The Council later continued its discussions in private consultations.

Europe

United Nations Observer Mission in Georgia

The Security Council received the report of the Secretary-General regretting the fact that the *de facto* leadership in Abkhazia persisted in its refusal to consider as the basis for negotiations the document of the Secretary-General entitled "Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi" and its transmittal letter, as well as the difficulties in deployment of the civil police component of UNOMIG. The Council adopted resolution 1524 (2004), by which it renewed the mandate of UNOMIG until 31 July 2004. The draft was prepared by the Group of Friends of the Secretary-General.



Security Council

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Report of the Security Council mission to West Africa, 20-29 June 2004

I. Introduction

1. In his letter dated 15 June 2004 (S/2004/491), the President of the Security Council informed the Secretary-General that a mission of the Council would visit West Africa from 20 to 29 June 2004. Its terms of reference and composition are set out in the annex to the present report.

2. The mission left New York for West Africa on 20 June, and visited Ghana (22 June), Côte d'Ivoire (22 and 23 June), Liberia (24 June), Sierra Leone (25 June), Nigeria (26 June), Guinea-Bissau (27 and 28 June) and Guinea (28 June).

Executive summary

3. The significant investment of the international community and the United Nations in peacekeeping missions and development assistance to West Africa offers the countries of the region a real chance to break out of the cycle of conflict and poverty and to build sustainable peace and development. The mission therefore focused on the link between security and development, the need to build good governance and respect for human rights as the necessary foundation for lasting peace and prosperity and the importance of an active approach to conflict prevention.

4. Achieving sustainable peace and development, in West Africa in particular, requires a collective approach. The region's borders are so porous and problems, including those associated with small arms, fighters, child soldiers and HIV/AIDS, move so easily across them that countries have to work together if they are to have any real chance of effecting lasting change. So, too, must the United Nations. The different missions in the subregion have to coordinate their efforts, as do the myriad parts of the United Nations family present in each country, with other stakeholders to pursue common goals and a comprehensive, integrated strategy. This strategy must encompass the transition from peacekeeping to peace-building and development, including the role of United Nations peacekeeping operations in helping create the right socio-economic conditions for lasting stability, including sustainable disarmament, demobilization, rehabilitation and reintegration.



5. In all this the Economic Community of West African States (ECOWAS) is playing an increasingly active and valuable role: mobilizing the countries of the subregion to undertake peacekeeping missions; leading conflict resolution initiatives, in particular the recent initiatives in Liberia, Guinea-Bissau and Côte d'Ivoire; and working with the United Nations Office for West Africa on a regional conflict-prevention strategy. With the political commitment of its member States and the continued support of the United Nations and other partners, these efforts are gradually helping to build security and stability in the subregion, which, in turn, will lay the basis for greater economic integration and growth.

6. The mission took place at a time of significant progress in the peace-building efforts in the subregion, with the exception of the worrying breakdown in the peace process in Côte d'Ivoire. Despite continuing challenges, the post-conflict peace consolidation process in Sierra Leone was proceeding steadily. The situation in Liberia had considerably improved with the disarmament and demobilization of a substantial number of combatants, the deployment of the United Nations Mission in Liberia (UNMIL) and the start of preparations for elections in 2005. Guinea-Bissau had held successful legislative elections, a major step towards restoring constitutional order and promoting sustainable peace and stability. The Council was seriously concerned, however, about the situation in Côte d'Ivoire, where the implementation of the Linas-Marcoussis Agreement had suffered a serious setback and the Government of National Reconciliation had ceased to function normally.

7. In Côte d'Ivoire the mission's key message was that President Laurent Gbagbo and all parties bore individual responsibility for finding a way out of the current political impasse. President Gbagbo promised the mission that he would submit legislation to the National Assembly by 28 July and resolve the issues of the United Nations Mission in Côte d'Ivoire (UNOCI) radio and status-of-forces agreement by the end of June. The mission believes the Security Council must monitor these commitments closely and, if necessary, take measures against those who fail to honour them. The mission also stressed that attacks on the United Nations or its personnel were absolutely unacceptable; the Council should also be prepared to respond to these with targeted measures.

8. In Liberia, the mission found Chairman Charles Gyude Bryant determined to put the country on the right track towards free, fair and transparent elections in 2005. This will present major challenges: establishing security in the many still-lawless parts of the country; disarming and, more difficult, providing education and jobs for ex-combatants; and restoring civil authority throughout a country that has been largely ungoverned for the last 15 years. The mission hopes that Chairman Bryant's commitment to good governance and democracy will be recognized by donors willing to help Liberia achieve these goals.

9. With UNAMSIL's numbers in Sierra Leone fast diminishing, the mission saw Sierra Leone's immediate priority as preparing to take full responsibility for its own security. Over the longer term, the underlying causes of conflict must be resolved, economic opportunity created and good relations built with neighbouring countries. Many believe that lasting reconciliation requires that former President Charles Taylor of Liberia stand trial at the Special Court for Sierra Leone.

10. The mission congratulated President Henrique Rosa of Guinea-Bissau on the considerable progress already made towards democracy and good governance since the coup of September 2003. It was clear, though, that the Government badly needs

much more financial and technical assistance to carry out its announced priorities. The mission hopes that donors will provide those resources and urges the Government to abide by its principles and remain deeply committed to the successful completion and consolidation of the transition.

11. Throughout its visit, the mission returned repeatedly to several key issues of concern to the Security Council. These included human rights, the role of women and other gender-related issues, child soldiers, humanitarian issues, movements of arms and mercenaries across borders, human trafficking, reconciliation, justice and the rule of law. These also reflected the concerns that had been communicated to the mission by non-governmental organizations at a preparatory meeting in New York. The mission stressed to all interlocutors that these issues had to be tackled in order to address the root causes of conflict in the region and build sustainable peace and development.

II. Process

12. The mission held extensive discussions in the countries visited with the key national and international stakeholders, including the current chairman of ECOWAS, the President of Ghana, and heads of State and Government in Côte d'Ivoire, Liberia, Sierra Leone, Nigeria, Guinea-Bissau and Guinea; the Presidents of the National Assembly in Côte d'Ivoire and Guinea-Bissau; senior cabinet members and ministers; the Executive Secretary of ECOWAS; the International Contact Group for Liberia; the Monitoring Committee in Côte d'Ivoire; the Prosecutor and the Registrar of the Special Court for Sierra Leone and the Chairman of the Truth and Reconciliation Commission for Sierra Leone; and the United Nations country teams, diplomatic corps and representatives of civil society organizations. Preparatory meetings were held in New York to discuss the mission's objectives with representatives of the countries to be visited, as well as with non-governmental organizations active in West Africa.

III. Activities and findings of the mission

Côte d'Ivoire

13. The mission emphasized to President Gbagbo, and to other interlocutors in Côte d'Ivoire and elsewhere, the Security Council's serious concern over the breakdown in the peace process, the impasse in the implementation of the Linas-Marcoussis Agreement and the current non-functioning of the Government of National Reconciliation. The President of Ghana, John Kufuor, current chairman of ECOWAS, informed the mission in Accra that the 20 June 2004 Abuja mini-summit of the heads of State of Nigeria, Ghana and Togo, chaired by ECOWAS, had agreed on a number of steps to be taken both by President Gbagbo and ECOWAS to help break the political impasse. On the same day, President Gbagbo delivered an address to the nation in which he announced his intention to request the National Assembly to accelerate consideration and adoption of the fundamental legislative reforms envisaged under the Linas-Marcoussis Agreement. The President also called on all the signatories of the agreement to resume dialogue with the aim of reactivating the Government of National Reconciliation. It was understood that a follow-up summit

would take place in June involving the three main opposition leaders, former President Bedie, former Prime Minister Alassane Ouattara and the leader of the Forces nouvelles, Guillaume Soro. In Abuja, Nigeria, the mission learned that the Ivorian parties were still discussing the convening of a reconciliation meeting between President Gbagbo and the Group of Seven political parties, signatories of the Linas-Marcoussis Agreement. Regrettably, the reconciliation meeting, which took place on 29 and 30 June in Abidjan, did not result in an agreement on the resumption of normal functioning of the Government of National Reconciliation.

14. The mission impressed upon President Gbagbo and all parties that they bore primary responsibility for the restoration of peace and stability in their country. The international community stood ready to support their efforts as part of a genuine contract. The mission also called on the Ivorian parties to demonstrate genuine political will and leadership in fulfilling their obligations under the Linas-Marcoussis Agreement. The mission emphasized that the agreement remained the only framework for returning the country to normalcy and that the Security Council would consider appropriate, targeted measures against individuals who obstructed its implementation. The Council's approach was positive, but determined; it would prefer not to have to act against individuals, but would do so if necessary.

15. In this regard, the mission identified three concrete measures as vital for restarting the peace process and facilitating the ultimate objective of free, fair and transparent elections in October 2005. First, the Government of National Reconciliation should be reconstituted and resume its work without further delay and should define a detailed and time-bound schedule of implementation of the Linas-Marcoussis Agreement. Second, the Government should take the necessary measures to facilitate the early adoption by the National Assembly of the fundamental political reforms envisaged in the agreement. This would help reduce the prevailing mistrust among the parties, create a conducive environment for the implementation of the disarmament, demobilization, rehabilitation and reintegration programme and facilitate the restoration of civil administration throughout the country. Third, the Ivorian parties should rise above their personal ambitions and act in unity to forge a better future for their country. They should commit to hold regular high-level dialogue without preconditions. President Gbagbo and Prime Minister Seydou Diarra could help in this regard.

16. The mission further stressed that attacks against United Nations personnel and property were absolutely unacceptable and must cease, in particular since UNOCI had been established at the express request of the Ivorian Government and ECOWAS to support the peace process. The mission also underlined their wish to see the early signing of the status-of-forces agreement between the Government and the United Nations, as well as the operation of United Nations radio to help explain UNOCI's mandate and the role of the Organization in supporting the implementation of the Linas-Marcoussis Agreement to all Ivorians. The mission warned that the international community would not tolerate a culture of impunity in Côte d'Ivoire and that it would hold all those responsible for gross human rights violations individually accountable. The parties were reminded of the recent establishment of the International Commission of Inquiry to investigate all reports of human rights violations since the events of September 2002.

17. The Ivorian parties were unanimous in acknowledging that the lack of trust and confidence among them had seriously hampered the implementation of the Linas-

Marcoussis Agreement. Some parties blamed the political stalemate on attempts by the Government to either delay the adoption of the fundamental political reforms provided for in the agreement or to present draft bills on those reforms that substantially diluted the letter and spirit of the agreement. Others attributed the impasse to attempts, through a deliberate misinterpretation of the Linas-Marcoussis Agreement, to deprive President Gbagbo of his constitutional prerogatives in favour of Prime Minister Seydou Diarra.

18. Almost all the Ivorian parties, however, expressed their preparedness to resume dialogue in order to reactivate the Government of National Reconciliation. President Gbagbo confirmed Prime Minister Seydou Diarra's assurances that: (a) the status-of-forces agreement would be signed by the end of June 2004; (b) the necessary technical modalities would be finalized by the first week of July 2004 to enable UNOCI to start operating its radio programming; and (c) according to a new schedule of implementation of the provisions of the Linas-Marcoussis Agreement, all the envisaged legislative reforms already sent to the National Assembly (the composition of the independent electoral commission, nationality and land reform) would be adopted by the Assembly by 28 July 2004. President Gbagbo assured the mission, at a meeting at which the Prime Minister and the President of the National Assembly were also present, that he would convene a special session of the Assembly should it fail to adopt those bills by that date. The President indicated, however, that, as provided for by the constitution of Côte d'Ivoire, the submission of the draft law on article 35 on the question of eligibility would take place only after the national territory had been reunified, meaning after completion of the disarmament, demobilization, rehabilitation and reintegration programme and the restoration of State authority throughout the country. The mission challenged this assertion and, indeed, on many occasions during its visit, expressed its regret at the lack of trust between the parties, which had led them to put preconditions on the implementation of key elements of the Linas-Marcoussis Agreement.

Observations and recommendations

19. The mission agreed that failure to resolve the political impasse in Côte d'Ivoire would not only provoke a major socio-economic and humanitarian disaster and compound the existing North-South divide in the country, but also would seriously upset the stability of the entire subregion. At the same time, the mission noted that there were encouraging prospects for moving the peace process forward, in particular the willingness of the Ivorian parties to resume dialogue and the preparedness of regional stakeholders, including leaders from West and Central Africa, to assist them in this regard. The presence of the Prime Minister and the President of the National Assembly at the mission's meeting with President Gbagbo is a sign of confidence-building among them.

20. The mission noted the concern expressed by the Force Commander of UNOCI that, unlike the French *Licorne* force, the Mission's rules of engagement did not permit it to use force in monitoring the ceasefire and providing protection to civilians under threat of imminent physical violence in the zone of confidence. This discrepancy made it difficult for the two forces to cooperate effectively, as had been envisaged, on operations that might require the use of force.

21. The mission recommends that:

(a) President Gbagbo and Prime Minister Seydou Diarra should, as a priority, consult with all the signatories of the Linas-Marcoussis Agreement on how best to reconstitute and reactivate the Government as soon as possible, including implementing urgent relevant confidence-building measures. These should include agreeing on a concrete, time-limited schedule of implementation of the agreement and ensuring that the draft laws on political reforms already transmitted to the National Assembly are adopted by 28 July 2004, in accordance with assurances given by President Gbagbo. Those laws should be consistent with the letter and spirit of the Linas-Marcoussis Agreement;

(b) All the Ivorian parties, in particular President Gbagbo and the three main opposition leaders, should commit to regular high-level dialogue without any preconditions;

(c) The Government should take all necessary measures to stop all hostile and/or provocative actions against UNOCI and all United Nations representatives, including disbanding all militias. Similar guarantees should be provided to all other foreign presences in the country, including the French Licorne force;

(d) Additional troops should be deployed to bring UNOCI up to its authorized level as soon as possible, enabling it to establish its presence throughout the country. The Council would welcome advice from the Department of Peacekeeping Operations on whether the mandate of UNOCI is adequately defined to allow for readjustment of its rules of engagement to allow it to use force in monitoring the ceasefire in the zone of confidence;

(e) The Government should honour its commitment to authorize the operation of UNOCI's radio by early July so that the Mission can help reverse the prevailing climate of misinformation about the United Nations mandate and defuse the culture of hate media;

(f) The Monitoring Committee (Comité de suivi) should work closely with the Government of National Reconciliation and ECOWAS in monitoring strict compliance by the parties with detailed and time-bound schedule of implementation of the Linas-Marcoussis Agreement, which is to be agreed upon;

(g) The Special Representative of the Secretary-General and the United Nations country team should continue to work closely with civil society organizations, in particular women's associations, with a view to integrating their concerns in the efforts by UNOCI and other parties to advance the peace process. Special attention should be paid to mainstreaming the gender perspective into UNOCI's activities;

(h) The Government should ensure that those responsible for human rights violations resulting from the events that occurred in Abidjan from 25 to 27 March 2004, as established by the report of the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights, are identified and brought to justice;

(i) The Ivorian parties should commit themselves to cooperate fully with the recently established International Commission of Inquiry into human rights

violations since September 2002. Once the Commission issues its report, the Government should ensure that those responsible for human rights violations are identified and brought to justice. The Security Council should encourage possible international assistance to the Ivorian judicial authorities to this end;

(j) The Government must continue to guarantee the unhindered movement and operation of humanitarian agencies and the protection of civilians, in particular vulnerable groups such as children and women. The necessary measures should be taken to remove all roadblocks;

(k) As provided in its mandate, UNOCI should start making the necessary arrangements to help the Ivorian parties prepare for the forthcoming general elections, including through the establishment of an appropriately staffed and equipped electoral component;

(l) The mission commends ECOWAS leaders for their significant contribution to breaking the current political impasse in Côte d'Ivoire and urges them to remain fully engaged with the Ivorian parties by ensuring that they fulfil their recent pledges to resume dialogue, reactivate the Government of National Reconciliation and expedite the process of consideration and adoption by the National Assembly of the main legislative reforms provided for in the Linas-Marcoussis Agreement and already sent to the Assembly. The mission further recommends that ECOWAS leaders should consider convening a follow-up mini-summit to review progress made in implementing the concrete steps agreed upon by the parties;

(m) The Security Council should monitor closely fulfilment of the pledges made by President Gbagbo and other Ivorian parties to the mission, particularly concerning the adoption of laws by 28 July and the resolution of the issues of the status-of-forces agreement and the operation of UNOCI radio by early July. The Council should consider targeted measures against individuals who obstruct the implementation of these pledges or of the Linas-Marcoussis Agreement or who fail to honour their commitments made to the mission.

Liberia

22. The mission was impressed by the progress made in Liberia since the National Transitional Government took office and UNMIL deployed in October 2003. They recognized, however, that the challenges of reconstruction and peace-building were so great that the international community would have to remain intensively engaged for some time to come. The mission stressed to all interlocutors the importance of all parties setting aside factional differences and working together constructively for Liberia's future. In return the mission recognized the need for donors to live up to their commitments. **The mission urges donors to disburse quickly the pledges they made at the international donors conference on Liberia in February 2004.**

23. The mission identified several immediate priorities for Liberia, the most urgent of which was establishing security. The mission welcomed the fact that UNMIL troops would soon be fully deployed throughout the country and that training for the new Liberian police had begun. **In view of recent reports of unauthorized cross-**

border movements, the mission recommends that UNMIL pay particular attention to monitoring Liberia's external borders.

24. Given the importance of re-establishing government authority throughout the country, the mission welcomes the deployment of UNMIL civil affairs officers in ministries and parastatals, as well as beyond Monrovia, and recommends that the remaining authorized civilian personnel, including human rights officers, be recruited and deployed as soon as possible. Many interlocutors stressed the need to reform the security sector and re-establish justice and the rule of law, with ministers of the National Transitional Government identifying training and infrastructure for law enforcement agencies as particular priorities. **The mission welcomes the contribution of the United States of America in this area and encourages donors to contribute further.**

25. Many interlocutors stressed that effective disarmament, demobilization, rehabilitation and reintegration was a prerequisite for building stability and for holding elections. Almost 50,000 combatants have already disarmed, with special arrangements made for women and children. The mission was reassured that the apparently high ratio of combatants to weapons reflected the fact that fighters had often shared weapons. In response to the mission's concern about discrepancies between weapons payments in Liberia and Côte d'Ivoire, the Special Representative of the Secretary-General said this had been raised with the National Commission for Disarmament, Demobilization and Reintegration in Côte d'Ivoire, which is an Ivorian, not a United Nations, programme. Challenges ahead include the repatriation of foreign combatants, regarding which UNMIL has begun discussions with other United Nations missions in the subregion, and providing reintegration opportunities for up to 60,000 ex-combatants.

26. In Liberia as elsewhere in the region, a common concern was that considerable resources were devoted to disarmament and demobilization but that reintegration and rehabilitation, funded through voluntary contributions, were inadequately planned and resourced. Ministers of the National Transitional Government said that adequate funding for reintegration was crucial. Civil society representatives said that genuine reintegration had to involve whole communities, including non-combatants. **The mission agrees that adequate, timely funding for reintegration is essential and urges donors to contribute generously, including through the trust fund established by the United Nations Development Programme (UNDP).** Given the importance of coordination, the mission welcomed the establishment of a joint implementation unit on reintegration, comprising all stakeholders.

27. All the mission's interlocutors agreed on the importance of holding free, fair and transparent elections by the deadline of October 2005. The recently reconstituted National Election Commission will be responsible for organizing the elections, with the United Nations coordinating the necessary technical assistance and ECOWAS, the African Union and the European Union providing observers. Chairman Bryant said that it was essential, therefore, to develop the financial, technical and logistical capacity of the National Election Commission. The chairman and members of the Commission described the challenges they faced, including voter registration and civic education (particularly in rural areas) and strengthening civil society's role in elections, as well as the core tasks of planning the organization and conduct of the elections. Despite some funding from the National Transitional Government and existing pledges of assistance from donors, the Commission was

facing severe resource constraints; for example, district electoral offices had all been destroyed and it had only one vehicle. **The mission encourages donors to support the vital work of the Commission with financial and technical contributions and underlines the importance of helping women prepare to participate in the elections.** The members of the National Transitional Government underlined to the mission the implications for the election process of the resettlement of Liberian ex-combatants repatriated from elsewhere in the region.

28. Chairman Bryant and the Ministers of the National Transitional Government emphasized the importance of lifting United Nations sanctions on timber and diamonds in order to provide revenues for Liberia's reconstruction. Several civil society representatives, however, argued that the sanctions should remain in force until there was full accountability and transparency and until the National Transitional Government had established control over timber and diamonds. The mission reiterated the Security Council's wish to see sanctions ended as soon as the conditions defined in resolution 1521 (2003) had been met, and welcomed the steps being taken or envisaged by the National Transitional Government to meet high standards in the management of public funds, to prepare to join the Kimberley Process and to regulate the timber sector. It clarified that the diamond ban could be lifted once Liberia had a transparent and internationally verifiable diamond certification scheme, thus paving the way for Liberia to join the Kimberley Process. **The mission recommends that the National Transitional Government continue its efforts to achieve the goals in its action plan on timber, including transparent management of government revenues; encourages the Kimberley Process and the Diamond High Council in Antwerp, Belgium, to work with the National Transitional Government on a diamond certification scheme; urges donors to support these efforts; and looks forward to the assessment of these efforts to be conducted by the expert panel on Liberia sanctions.** The Special Representative of the Secretary-General Jacques Klein also reiterated his proposal that UNMIL be mandated to play a more active role in monitoring sanctions. **The mission recommends that the Council give consideration to this proposal.**

29. Chairman Bryant emphasized to the mission that economic growth and job opportunities, especially through private investment and infrastructure development, would be essential to Liberia's long-term peace and stability and in reducing the risk of a relapse into conflict. Representatives of civil society were concerned that corruption continued to flourish. The mission agreed that eradicating corruption was vital. **The mission encourages the National Transitional Government to continue to take the necessary measures to combat corruption and to explore ways of attracting private investment, in conjunction with donors and development partners.**

30. The mission recognized the challenges of providing the necessary humanitarian aid in Liberia, particularly with up to 350,000 Liberian refugees in the subregion to be repatriated by October 2005. **The mission encourages donors to contribute quickly, particularly to the World Food Programme (WFP) and to repatriation efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR).** It stressed the importance of coordination between UNMIL, humanitarian agencies and NGOs, and welcomed the fact that the Deputy Special Representative of the Secretary-General for Humanitarian Affairs also serves as the Resident Representative of UNDP and the Resident Humanitarian Coordinator.

31. Both Chairman Bryant and the Special Representative of the Secretary-General saw subregional stability as essential to Liberia's own security, noting that at the Mano River Union Summit, held in Conakry on 20 May 2004, member States had agreed on measures to strengthen security, such as joint border patrols. However, they expressed concern about recent unauthorized cross-border movements. The Special Representative of the Secretary-General said that UNMIL was working with other United Nations missions in the subregion to develop a more effective response to cross-border problems like movements of arms and mercenaries and human trafficking. Progress had already been made on sharing logistics, military liaison and DDR. Similar coordination was starting with ECOWAS. **The mission recommends that UNMIL continue these efforts and looks forward to the Secretary-General's forthcoming recommendations on more effective use of United Nations assets in the subregion. It also encourages the member countries of the Mano River Union to implement their commitments from the recent summit.**

32. The mission discussed the future of former President Taylor of Liberia with interlocutors in several countries. While some parties particularly representatives of civil society organizations, pressed for former President Taylor to stand trial at the Special Court for Sierra Leone, others were concerned that this could jeopardize the peace process in Liberia. The mission stressed to all parties that there could be no impunity, however, for serious violations of human rights and international humanitarian law and that, as stability was assured, the case for bringing former President Taylor to justice would be very strong.

Sierra Leone

33. The mission was pleased to see that significant progress has been achieved in the peace consolidation process in Sierra Leone, with the successful holding of local government elections (the first in 32 years), the gradual handover of responsibility for security in the northern and southern provinces, to the Government by UNAMSIL and the progressive consolidation of state authority. UNAMSIL has thus proceeded with the implementation of its adjustment, drawdown and withdrawal plan.

34. Nevertheless, the gains remain fragile and considerable challenges still face the Government: internal challenges such as widespread unemployment, the outcome of the trials currently under way at the Special Court for Sierra Leone and the establishment of full control over the diamond mining areas; and potential external threats from spillover from other conflicts in the region. President Kabbah therefore welcomed the decision of the Security Council to maintain a residual UNAMSIL presence in Sierra Leone for an initial period of six months, from January 2005. He hoped this would allow the Sierra Leone army and police force time to strengthen their capacity and resources further to the point where they can assume full responsibility for the country's national security. **The mission underlines the importance of this goal and encourages donors to contribute to the restructuring and strengthening of the security sector, including infrastructure and equipment.**

35. The mission stressed the need to address the root causes of conflict, including through a poverty reduction strategy, the continuing consolidation of state authority throughout the country and anti-corruption measures. Several interlocutors stressed

the importance of tackling the major socio-economic problems, which, if left unresolved, could present a risk to the country's security. All agreed that creating jobs and economic growth, particularly for young people, was crucial. The departure of UNAMSIL in 2005 would have a negative impact on the country's economy, at least in the short-term. Ambitious growth rates were needed to offset this and help Sierra Leone out of poverty. President Kabbah said that timely assistance from Sierra Leone's development partners, including the European Union, was important. **The mission encourages Sierra Leone's development partners to disburse their pledges as rapidly as possible.**

36. The restoration of effective Government control over the country's mineral resources, particularly diamond mining, remains a major priority. The mission heard that official diamond exports from January to June 2004 had increased to \$54 million from \$9 million in 2000 thanks to the increase in legal mining, the resumption of Kimberlite mining in Koidu and implementation of the Kimberley Process certification scheme.

37. The mission visited the Special Court for Sierra Leone and congratulated the Prosecutor and Registrar on the progress made since the Council's last mission. The courtroom has now been constructed and trials began on 3 June 2004 with the joint trial of former members of the Civil Defence Force, including their leader, Chief Hinga Norman. The mission welcomed UNAMSIL's ongoing support with security, logistics and public relations. They also welcomed the fact that when the Court's work is concluded, it will leave Sierra Leone with an excellent court facility as well as the valuable legal expertise of those Sierra Leoneans working with the Court.

38. The Prosecutor argued strongly that justice demanded that former President Taylor be handed over to the Court to stand trial. According to the Court's statute, head-of-state immunity did not apply. The Prosecutor confirmed that the indictment of former President Taylor would remain valid even if the Court concluded its work in 2005, as currently scheduled. Asked about the recruitment of child soldiers, the Prosecutor confirmed that this was a crime that fell within the Court's jurisdiction.

39. President Kabbah expressed his concern to the mission about the precarious financial situation of the Court. He had been unhappy with the concept of voluntary funding from the start. **Given the importance of the Court for Sierra Leone's long-term reconciliation, and recognizing the cost-effective, efficient way in which the Court is being run, the mission recommends that donors, particularly those who have not yet contributed to the Court, make every effort to make a contribution.**

40. The mission heard from several interlocutors that the work of the Special Court had a bearing on Sierra Leone's stability; some suggested that its work should be accelerated to ensure its completion while UNAMSIL was still operative.

41. The mission asked about the relationship between the Court and the Truth and Reconciliation Commission. The Prosecutor said the two institutions were complementary mechanisms, both crucial to lasting peace and reconciliation in Sierra Leone. Once the Commission's report is published, the newly established National Commission for Human Rights should begin its work.

42. The Registrar argued that the five detainees in the custody of the Court who were subject to a travel ban under United Nations sanctions should be temporarily removed from the travel ban list if they required medical treatment abroad. It would

be detrimental to the cause of justice if another detainee were to die in custody, as had been the case with Foday Sankoh. **The mission recommends that the United Nations sanctions committee on Sierra Leone consider this proposal.**

Guinea-Bissau

43. The mission's visit to Guinea-Bissau was made jointly with the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau and the Group of Friends of Guinea-Bissau (see annex for the list of participants). The following assessments and recommendations are jointly shared.

44. The mission welcomed the significant progress in the political transition in Guinea-Bissau and commended the Government's efforts to meet its most pressing short-term priorities, including paying current salaries to civil servants and the armed forces and ensuring accountability and transparency in the management of public funds. It further welcomed the Government's decision to strengthen the partnership and dialogue with both private and institutional international organizations, in the spirit of the partnership approach endorsed by the Economic and Social Council in 2003, with a view to increasing revenues and recovering international economic and financial confidence. It also acknowledged, with appreciation, the positive remarks made by the visiting mission of the International Monetary Fund (IMF), which gave encouraging signs of renewed support to the country. The mission commended ECOWAS and the Community of Portuguese-speaking Countries for the support provided to the political transition in Guinea-Bissau and urges their continued engagement.

45. The mission urged the Government to persevere in its determination to consolidate the democratic process, to promote good governance, respect for human rights and the rule of law, and to create, with the assistance of the international community, the necessary conditions for the organization of free, fair and transparent presidential elections by March 2005. The Government highlighted its need for financial and technical assistance to organize the elections, and called on the international community for its support in this regard.

46. The mission assured the Government that the international community would continue to support Guinea-Bissau's efforts by recommending to international partners, the Bretton Woods institutions and other donors that they provide the urgently needed resources to address the country's social and economic problems, taking into account the Government's priorities.

47. The mission noted concerns raised by the Government regarding cross-border threats as well as the large amount of arms held by the population and recommended that the Security Council give consideration to these issues.

Observations and recommendations

48. It is the mission's view that, despite the appreciable progress made in carrying out a peaceful transition in Guinea-Bissau, the overall situation in the country remains extremely fragile. Every effort must be made to address a number of major challenges, including: (a) restructuring the armed forces into a professional force, with a view to minimizing the risks of relapse into conflict and instability;

(b) strengthening national public institutions; (c) redressing social and economic inequities; (d) promoting broad and inclusive internal political dialogue; and (e) mobilizing internal and external resources, from bilateral and multilateral sources, to promote social and economic development and to ensure regular payment of salaries to civil servants and the military. The mission urges continued international support for the successful accomplishment of these goals.

49. The mission recommends that:

(a) Development partners and the donor community, including the Bretton Woods institutions and the European Union, should respond generously to the positive steps taken by the Government by providing both financial resources and technical assistance to enable it to meet its most immediate needs;

(b) The Government and IMF should engage in a comprehensive dialogue aimed at the resumption of an IMF programme;

(c) UNDP should continue to assist the Government in preparing for the round table conference to take place late in 2004;

(d) The Government should take all possible steps to strengthen a culture of good governance, democracy and respect for the rule of law and human rights, including through institutional capacity-building, with the help of international partners;

(e) Bilateral and/or multilateral partners should support the restructuring of the armed forces;

(f) The Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau and the Security Council should continue to monitor and support political, economic and social developments in Guinea-Bissau;

(g) ECOWAS should include Guinea-Bissau in its regional policies of containing the proliferation of small arms and other security threats in the region.

The West African subregion: observations and recommendations

50. In 2003, the Security Council mission called for increased international support for ECOWAS. In 2004, the mission was gratified to learn, both from the Executive Secretary of ECOWAS and from the Special Representative of the Secretary-General for West Africa, about the enlarged programme of collaboration between ECOWAS and the United Nations Office for West Africa. This programme aims to address cross-border problems in the subregion, including several identified by last year's mission: illegal roadblocks on national and regional highways (a major impediment to economic development in the region); youth unemployment; and electoral assistance. The mission supports the joint efforts by the European Union, UNDP and the United Nations Office for West Africa to establish a strategic and operational planning capacity in the office of the Executive Secretary of ECOWAS. It also welcomes the initiative of the United Nations Office for West Africa and ECOWAS to identify ways of preventing coups d'état and other unconstitutional means of seizing or holding power, as well as

to mitigate those abuses of power that are usually the root causes of attempted coups d'état.

51. ECOWAS and the United Nations system are also working together to translate the recommendations contained in the report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa of 12 March 2004 (S/2004/200) and in the statement by the President of the Security Council of 25 March 2004 (S/PRST/2004/7) into concrete projects and activities. **The mission looks forward to a progress report on those recommendations to be submitted towards the end of 2004.**

52. While the end of the conflict in Liberia and the start of disarmament, demobilization and reintegration activities should end the use of child soldiers in that country, recruitment of child soldiers has not entirely ended in the region. **The mission calls on all parties to cease the use of child soldiers; emphasizes the need to redouble efforts to reintegrate former child combatants; and welcomes the efforts of the United Nations Children's Fund (UNICEF) and other partners to strengthen the Child Protection Unit in ECOWAS.**

53. Last year's mission expressed the view that the United Nations Office for West Africa should be strengthened by resources from within the United Nations or from Member States and that its cooperation with ECOWAS be further strengthened. Although it has now reached its full staffing level of seven professionals, the Office could fulfil its mandate more effectively with additional resources. **With the Office's wide-ranging activities and the importance of a coherent regional approach to the conflicts and other problems afflicting West Africa, the mission recommends that additional resources be provided rapidly for the Office.**

54. In the statement by its President of 25 March 2004, the Security Council stressed the importance of a regional approach in the preparation and implementation of disarmament, demobilization, rehabilitation and reintegration programmes in West Africa. The mission strongly endorses such an approach, given the porousness of State borders and the ease with which weapons and combatants circulate in the subregion. The mission recommends that the office continue to work with the United Nations missions in the region in order to harmonize the various disarmament, demobilization, rehabilitation and reintegration programmes in the region and eliminate any inconsistencies among them, such as major discrepancies in weapons payments. **The mission underlines the need to include in the regional approach to disarmament, demobilization, rehabilitation and reintegration not only those countries emerging from conflict but also those which have been seriously affected by conflicts in neighbouring countries, including Guinea, Mali and Burkina Faso.**

55. The mission was gratified to learn that ECOWAS is planning to strengthen its moratorium on the import, export and manufacture of small arms and light weapons signed in Abuja on 31 October 1998 and to replace it with a mandatory convention. **The mission calls on countries from which arms are exported to West Africa to review more scrupulously the issuance of end-user certificates and to take action against those transgressing national laws or United Nations sanctions in this respect. The mission would find it useful to have the Secretary-General's recommendations on what action the Security Council might take to help reduce the proliferation of small arms in the subregion.**

56. The mission is greatly encouraged by West African efforts to increase the subregion's peacekeeping capacity by establishing, as part of a broader strategy by the African Union, a stand-by force for more rapid deployment. **It calls for assistance, particularly transport capacity and other logistical assistance, to be provided by more donor countries and institutions, including through such training centres of excellence as the Kofi Annan International Peacekeeping Training Centre in Accra.**

57. The mission discussed the broad importance of developing an effective conflict prevention strategy. **The mission encourages ECOWAS to develop such a strategy, working with the United Nations Office for West Africa and taking into consideration the recommendations of the recent United Nations/European Union assessment mission.**

58. Many interlocutors raised their concerns about the special problems experienced by certain border zones in West Africa and the fact that they are often the first to be affected by neighbouring instability. Particularly sensitive areas include the Guinean province of Guinea-Forestière, which borders on Sierra Leone, Liberia and Côte d'Ivoire, and those provinces in Mali and Burkina Faso adjoining Côte d'Ivoire. **The mission recommends that the United Nations system work on integrated strategies in cooperation with the Governments concerned in dealing with the broad range of problems afflicting these areas in order to try to prevent conflict from spreading further.** These strategies would involve the United Nations Office for West Africa, the Office for the Coordination of Humanitarian Affairs of the Secretariat, the relevant United Nations country teams, the European Union and other development partners, and United Nations peace operations in countries from which much of the insecurity is exported.

59. In several countries the mission heard concerns about unauthorized cross-border movements from neighbouring countries. The mission concurs on the need for continuing action to prevent unauthorized cross-border movements, which remain a cause for concern and a potentially destabilizing factor. **It therefore urges all countries in the subregion to ensure that border controls curb such movements and urges United Nations peacekeeping operations to pay special attention to monitoring border areas.** The President of Guinea assured the mission that the Guinean security forces were patrolling Guinea's borders and confiscating small arms in the border areas.

60. Responses to consolidated humanitarian appeals for the region have often been low. **The mission urges donors to increase their contributions to these appeals. It also encourages greater support for West African civil society organizations, particularly women's groups, in order to help them play a more decisive role in the promotion of peace and sustainable development.**

61. Among other concerns raised during the mission were the alarming rates of HIV/AIDS in parts of the region, exacerbated by the various conflicts. The issue of polio was raised with President Obasanjo, who said the non-provision of vaccinations in Kano State was inexcusable, but that the matter would soon be resolved.

62. Many interlocutors underlined the need to create jobs and economic opportunity in West Africa as an essential element of lasting peace. Without them, countries could easily slip back into conflict, particularly after United Nations

peacekeeping operations have left. The mission stressed the need for countries of the region, working with their international partners, to do their utmost to create a more favourable investment climate. Without greatly increased private and public investment in West Africa, it will be difficult to achieve the levels of economic growth necessary for addressing the pressing region-wide problem of unemployment among the young. **The mission therefore recommends that Governments in the region work towards achieving greater governmental accountability and transparency, through measures such as vigorous anti-corruption campaigns and policies.**

63. The mission agrees with its many interlocutors who insisted on the principle of no impunity for serious human rights abuses, or for those who have fanned the flames of conflict in their own territories or in their neighbours'. **The mission urges the Security Council to take the necessary measures at the appropriate time, including through the imposition of targeted sanctions against the individuals concerned.**

64. The mission reiterated its support for increased levels of collaboration and coordination within and between United Nations missions in West Africa. I. notes that the UNAMSIL-chaired working group of United Nations missions has begun its work. **The mission looks forward to receiving the report of the Secretary-General on this subject, as well as to hearing the outcome of the regular meetings of the Special Representatives of the Secretary-General in the region.**

65. The mission fully recognizes that the international attention paid to the countries hosting United Nations peace missions must not come at the expense of those countries of the region that are currently stable and that show strong commitment to good governance, protection of human rights and good-neighbourly relations. **The mission encourages the international community to strengthen its partnerships with such countries and to continue their assistance to them, in order to provide an example to others and an incentive for these countries to continue their efforts.**

66. The mission would like to record its deep appreciation for the efforts of the four Special Representatives of the Secretary-General, as well as the other heads of United Nations offices based in the region, on behalf of peace and development in West Africa. It would also like to thank all the United Nations officials in the region and the members of the Secretariat who accompanied the mission for their vital role in ensuring its success.

Annex

Terms of reference and composition of the Security Council mission to West Africa, 20-29 June 2004

A. Terms of reference

Regional

- Identify a coherent strategy for United Nations intervention across the spectrum from conflict prevention to peace-building
- Encourage the Economic Community of West African States (ECOWAS) and its member States, in coordination with the United Nations, to design and implement a subregional conflict prevention strategy, including how to tackle cross-border problems
- Assess what practical support is needed to strengthen ECOWAS, in particular in its work on conflict prevention, peacekeeping and peace-building
- Encourage strengthened cooperation among States of the subregion and between ECOWAS, the Mano River Union and the United Nations
- Identify what additional measures are needed to promote sustainable peace and security, including development, and the role of donors in supporting them
- Consider how to build on the current cooperation among United Nations missions and United Nations bodies in the subregion, including through the offices of the Special Representative of the Secretary-General for West Africa
- Assess progress towards Council objectives on protection of civilians and children affected by armed conflict
- Emphasize the need for all countries to respect their obligations on human rights and international humanitarian law
- Underline the Council's support for civil society, including women's groups
- Assess the role of sanctions and their effectiveness in helping build peace and stability in the subregion

Sierra Leone

- Assess progress towards building long-term security and sustainable development, identifying areas for priority attention by the Government and donors
- Consider appropriate benchmarks for the drawdown of the United Nations Mission in Sierra Leone (UNAMSIL) in 2005
- Assess the contribution of the Special Court and the Truth and Reconciliation Commission in addressing the root causes of the conflict

Liberia

- Support the National Transitional Government of Liberia in its efforts to rebuild Liberia and establish the conditions for free and fair elections in 2005

- Urge all members of the National Transitional Government to work together for shared goals and to ensure that no factions undermine the implementation of the Accra Peace Agreement
- Assess the impact of the Implementation Monitoring Committee in ensuring the full implementation of the Accra Peace Agreement
- Review progress made by the United Nations Mission in Liberia (UNMIL) in establishing security and implementing its mandate, in particular disarmament, demobilization and reintegration
- Assess progress towards fulfilling the criteria for lifting sanctions

Côte d'Ivoire

- Remind every Ivorian party of its responsibility to keep the national reconciliation process on track, including through participation in good faith in the Government of National Reconciliation and in Parliamentary business, and by beginning to disarm militias and armed groups, as stipulated in the Linas-Marcoussis Agreement
- Assess how the United Nations Mission in Côte d'Ivoire and the Monitoring Committee are helping to move all parties towards full implementation of the Linas-Marcoussis Agreement and credible and transparent elections in 2005
- Review progress made towards addressing the underlying causes of the conflict

Guinea-Bissau

- Demonstrate the Council's support for the Government's efforts to promote national reconciliation and restore democratic institutions, including free and fair Presidential elections in 2005
- In cooperation, with the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau, assess the priority needs of the Government and identify what further steps can be taken to strengthen the partnership between the Government and the international community and to encourage increased donor support

B. Composition

The composition of the mission was as follows:

Emyr Jones Parry, head of mission, United Kingdom of Great Britain and Northern Ireland

Mourad Benmehidi (Algeria)

Ismael Gaspar Martins (Angola)

Joël W. Adechi (Benin)

Irene Vida Gala (Brazil)

Hugo Ignacio Llanos (Chile)

Jiang Jiang (China)

Jean-Marc de La Sablière (France)

Stefan Delfs (Germany)

Sohail Mahmood (Pakistan)

Patrick Chuasoto (Philippines)

Marius Dragolea (Romania)

Ana Jimenez (Spain)

Sichan Siv (United States of America)

In Guinea-Bissau the mission also included:

Dumisani S. Kumalo (South Africa)

Crispin Grey-Johnson (Gambia)

Benedicto Fonseca Filho (Brazil)

**Security Council**

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**Letter dated 25 June 2004 from the Secretary-General
to the President of the Security Council**

I write with reference to the letter dated 14 June 2004 from the Minister for Foreign Affairs and Immigration of Papua New Guinea, The Rt Hon. Sir Rabbie Namaliu, addressed to me regarding the peace process in Bougainville and the request contained therein for the extension of the mandate of the United Nations Observer Mission in Bougainville (UNOMB) (see annex).

Since the Security Council's last meeting on 6 May 2004, UNOMB has reported further progress by the parties in the implementation of the Bougainville Peace Agreement. As of 21 June 2004, the ex-combatants have destroyed 1,651 or 85 per cent of the contained weapons. Six of Bougainville's ten districts have now completed the weapons disposal programme. UNOMB continues to receive requests to supervise weapons containment in the so-called "No-Go-Zone".

At the end of July 2004, 50 new police recruits are due to graduate and join the Bougainville Police Force, which has now been issued a distinct uniform. The expected deployment in Bougainville of 19 Australian federal police officers will further contribute to strengthening policing on the island.

The Bougainville Constitution Commission is close to finalizing the third and final draft of the constitution. The Commission has indicated its determination to complete its assignment by the end of June 2004. It is expected that the constitution would be adopted by the Bougainville Constituent Assembly in mid-July and soon thereafter be approved by the Government of Papua New Guinea. This, in turn, will set in motion preparations for the election of the first autonomous Bougainville government. The Government of Papua New Guinea has expressed its firm commitment to mobilize the required resources for the completion of the electoral process. It is the intention of the parties to hold elections by the end of 2004.

Starting in September 2004, the United Nations Development Programme, in close consultations with UNOMB, will, in its rehabilitation activities on the island, focus on good governance and sustainable livelihood. Meanwhile, the United Nations Children's Fund (UNICEF) has provided educational materials to 600 primary school students in various villages of Bougainville, including the "No-Go-Zone". UNOMB has facilitated UNICEF activities through the provision of office space and logistical support to its locally hired programme manager.

Given the above progress and the crucial role of UNOMB in building confidence among the parties, as well as the need for it to complete the remaining



mandated tasks as reflected in the attached letter of the Foreign Minister, I recommend the extension of the UNOMB mandate for a further six-month period, from 1 July to 31 December 2004.

(Signed) Kofi A. Annan

Annex

Letter dated 14 June 2004 from the Minister for Foreign Affairs and Immigration of Papua New Guinea addressed to the Secretary-General

United Nations Observer Mission in Bougainville, Papua New Guinea (UNOMB)

I have the honour to convey Papua New Guinea's sincere appreciation, on behalf of all parties, for the United Nations' continuing support for the peace process in Bougainville, Papua New Guinea. We are grateful for the United Nations Security Council's agreement and the arrangements Your Excellency has made for UNOMB to remain and assist the peace process on the ground.

As your Excellency will be aware, implementation of the *Bougainville Peace Agreement* continues to move ahead.

Conscious that there are still important steps to be completed and possible challenges to be overcome, Papua New Guinea, therefore, requests Your Excellency's and the United Nations Security Council's agreement for UNOMB to remain and continue performing the functions specified in Your Excellency's letter of 19 December 2003 to the President of the United Nations Security Council.

The responsibilities which go with these functions will be fulfilled when the autonomous Bougainville Government is elected. The election of the autonomous Bougainville Government, therefore, provides both a clear objective and a natural exit-date for UNOMB.

The following summary of the current situation and identifiable future challenges Bougainville is arranged in terms of the functions specified in Your Excellency's letter 19 December 2003:

(a) Peace Process Consultative Committee (PPCC)

UNOMB continues to chair the PPCC, which is the main agreed means of regular communication and consultation between all parties to the *Bougainville Peace Agreement*, especially those involving the main former combatant groups. It will remain so until the autonomous Bougainville Government has been elected.

Under the agreed weapons disposal plan contained in the Bougainville Peace Agreement, the PPCC will receive UNOMB's report on its findings if any of the parties request UNOMB to 'verify and certify whether there has been substantial compliance ... in the handing in of weapons and whether the level of security of the weapons makes conducive to holding the elections.'

(b) Disposal and destruction of weapons

UNOMB continues to play a critical role in implementation of the agreed weapons disposal plan, including public awareness, the storage of weapons at stage two, and destruction of the guns.

The current total of weapons destroyed is well over 80% of those contained.

Additional weapons are being brought in; weapons previously removed from containment in 2003 are being returned to be placed in secure storage, and destroyed; and former combatants in the remaining 'No-Go Zone' are joining in.

Destruction has now been completed in five of the ten Districts of Bougainville and Bougainville Islands. Further destructions are planned.

UNOMB is also working with factional leaders to encourage former combatants in other Districts to proceed to destruction at the earliest practicable opportunity, and to overcome the reluctance of some former combatants in South Bougainville to destroy their guns.

© Preparation of the proposed constitution for the autonomous Bougainville Government

Though UNOMB has no responsibilities in relation to preparation of the proposed Bougainville constitution, it continues to encourage the parties to make progress, and to pay proper attention to such vital issues as the financial and human resources likely to be available for implementation.

Consultations, including meetings and exchanges of ideas over the Second Draft of the proposed constitution being prepared by the Bougainville Constitutional Commission

(BCC) have now been completed. The BCC is now preparing its Third and Final Draft, and its report. These will be passed on to the Bougainville Constituent Assembly to consider, adopt after consulting the National Government; and then submit to the National Executive Council for endorsement as consistent with the *Papua New Guinea Constitution* (as amended by *Constitutional Amendment No. 23 - Bougainville Government and Referendum*, which gives legal effect to the *Bougainville Peace Agreement*).

Arrangements are in place for convening the Bougainville Constituent Assembly as soon as the BCC completes its work.

The time allowed for the National Executive Council to review the draft submitted by the Bougainville Constituent Assembly for endorsement as consistent with the *Papua New Guinea Constitution* is strictly defined (*Constitution*, s 285).

If the BCC and the Bougainville Constituent Assembly take proper account of the National Government's concerns regarding the consistency with the *National Constitution* of a small number of provisions proposed for the Bougainville constitution, then it will be possible for the process of finalizing and giving effect to the Bougainville constitution to move ahead with all deliberate speed.

As soon as the provisions governing eligibility for enrolling to vote and standing for office, the composition of the proposed Bougainville legislature and executive, and the number of electorates are known, then preparations for holding elections for the autonomous Bougainville Government will move into high gear. This provision, which is probably unique in the world, gives UNOM3 responsibility for responding to a request by any of the parties and determining whether conditions with regard to implementation of the agreed weapons disposal plan are 'conducive to holding elections', or whether the elections for the autonomous Bougainville Government should be deferred - and, if so, for how long.

In this regard, Papua New Guinea notes the statement that the Director of UNOMB, Tor Stenbock, has made to former combatants that, unless all contained guns are destroyed, UNOMB would have 'great difficulty in giving the green light for holding elections' should the question be referred to UNOME as provided in the *Bougainville Peace Agreement*.

The intention of all parties is that the elections be held before the end of 2004.

The Government is aware of the need to mobilize the human and financial resources required to prepare for and conduct the elections.

At a time when restraint is required in every area of Government activity, the National Government continues to regard the Bougainville peace process as a national priority, and is firmly committed to using its best endeavours both to mobilize the resources

required, and to encourage the other parties to co-operate in working to meet this ambitious target.

(c) Other offices

UNOMB continues to assist in promoting public awareness of the agreed weapons disposal plan and other aspects of the peace process in Bougainville, Papua New Guinea, and encouraging and supporting consultations and co-operation between the parties.

Meanwhile, other aspects of practical peace-building continue to move ahead too. These include policing and restoration of other aspects of civil authority (courts and corrections), (re-)development of infrastructure, and other projects directed towards providing improved opportunities for people in Bougainville.

A number of United Nations specialised agencies, including the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), together with other aid donors and non-government organizations, continue to provide important assistance for which Papua New Guinea, on behalf of all parties, is very grateful. This includes United Nations-sponsored assistance in the remaining 'No-Go Zone'.

Thus does the peace process in Bougainville, Papua New Guinea, continue to move ahead. While there are still challenges to be faced and overcome, and the peace process has not always advanced as far and as fast as might have been hoped, progress has been solid (there have been no irreversible steps back). The key has been the 'bottom-up', participatory approach on which weapons disposal and work on the proposed Bougainville constitution have proceeded. The support provided by UNOMB is critical to continued success.

It is, against this background, that I have the honour to request Your Excellency and the United Nations Security Council to agree that UNOMB continue after 30 June until it completes its agreed assignment when the autonomous Bougainville Government is elected.

(Signed) Rt Hon. Rabbie L. Namaliu, KCMG MP
Minister



Security Council

Distr.: General
30 June 2004

Original: English

Letter dated 30 June 2004 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 25 June 2004 (S/2004/526) concerning your recommendation to extend the mandate of the United Nations Observer Mission in Bougainville (UNOMB) for a further six-month period, from 1 July to 31 December 2004, has been brought to the attention of the members of the Security Council. They take note of the recommendation and information contained in your letter. The Security Council also notes that it is the intention of the Council for this to be the final extension of this mission, and requests that the Secretary-General present a report to the Council within three months on an assessment of the ground situation and on a mission-closure plan.

(Signed) Lauro L. Baja, Jr.
President of the Security Council



**Security Council**

Distr.: General
30 June 2004
English
Original: French

Letter dated 12 March 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the statement by the President of the Security Council dated 20 November 2003 (S/PRST/2003/23), in which the Security Council called on the countries of the Great Lakes region and the international community to support the efforts of my Special Representative, Mr. Ibrahima Fall, and requested me to keep it informed of developments in the region.

As I indicated in my report of 17 November 2003 (S/2003/1099), major progress has been made over the past six months towards the convening of an international conference on the Great Lakes region. When the preparatory process was launched in Nairobi last June, the future orientation of the conference and its main elements were determined. With the help of the United Nations, the African Union and donor countries, the countries of the region have established a framework for their discussions of substantive issues. They have established national preparatory committees and agreed to hold several preparatory and thematic meetings prior to the two summit meetings.

For the past three months, my Special Representative has helped the countries of the region to put into place the necessary framework for the conference to be held as soon as possible. In December 2003 and January 2004, two preparatory meetings were held under the auspices of the United Nations and the African Union, and others should take place in the coming months.

Given the progress made in the preparatory process, the Office of my Special Representative will face an increasing workload over the coming months. In particular, it must assist the countries of the region in organizing and providing follow-up to preparatory meetings and in the establishment and smooth operation of the national preparatory committees. Currently, however, the Office has only seven administrators, including my Special Representative. In order for it to perform its tasks efficiently, nine additional international civil servants will be needed. I hope that I can count on the support of the international community to provide the Office of my Special Representative with the resources necessary for the success of its mission.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



**Security Council**

Distr.: General
30 June 2004

Original: English

Letter dated 30 June 2004 from the President of the Security Council addressed to the Secretary-General

Members of the Security Council have accorded full attention to your letter dated 12 March 2004 (S/2004/528), in which you refer to progress achieved and expected in preparation of an international conference on the Great Lakes region.

Council members are grateful to you for appointing a Special Representative to offer, together with the African Union, advice to the Governments concerned in order to help them organize the conference. They appreciate those efforts to promote the establishment of long-lasting relations of good-neighbourliness among States of the region. Since the United Republic of Tanzania currently plans to host the conference in November 2004, they are of the view that the summit should provide the opportunity for strengthening progress achieved by that date. They hope in particular that such a prospect will encourage the Governments concerned to put the finishing touches to the normalization of their relations and put in place confidence-building measures to guarantee the security of their borders.

While noting that the conference is to be organized under the aegis of the United Nations and the African Union in an active partnership, Council members nevertheless attach considerable importance to the fact that the countries concerned have taken full ownership of it. Therefore, members of the Council asked for more detailed information on the need for nine additional international civil servants referred to in your letter.

(Signed) Lauro L. **Baja**, Jr.
President of the Security Council





Security Council

Distr.: General
2 July 2004
English
Original: Arabic

Letter dated 29 June 2004 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I transmit to you herewith the text of that part of a press release, issued by the Ministerial Council of the Gulf Cooperation Council at its ninety-first session, held in Jeddah, Saudi Arabia, on Saturday, 30 June 2004, which relates to the question of the occupation by the Islamic Republic of Iran of three islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Abdulaziz Nasser R. **Al-Shamsi**
Ambassador
Permanent Representative



Annex to the letter dated 29 June 2004 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

Part of a press release, issued by the Ministerial Council of the Gulf Cooperation Council at its ninety-first session, held in Jeddah, Saudi Arabia, on Saturday, 30 June 2004, relating to the question of the occupation by the Islamic Republic of Iran of three islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa

As regards the continued occupation by the Islamic Republic of Iran of the three islands of the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates, the Council:

- Reiterated its firm and well-known positions, affirmed in all its previous statements on the subject, in support of the sovereignty of the United Arab Emirates over the three occupied islands of the Greater Tunb, the Lesser Tunb and Abu Musa and their territorial waters, airspace, continental shelf and exclusive economic zone, considering them an inseparable part of the United Arab Emirates.
- Expressed its regret at the failure of contacts with the Islamic Republic of Iran thus far to produce any results that might actively contribute towards the resolution of this dispute and hence to security and stability in the region, yet remains hopeful that ongoing contacts might lead to the desired positive results.
- Stressed the need for the continued examination of all peaceful means of restoring the sovereignty of the United Arab Emirates over its three islands.

**Security Council**

Distr.: General
2 July 2004

Original: English

Letter dated 2 July 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1549 (2004) concerning Liberia. In paragraph 1 of the resolution, the Council re-established the Panel of Experts appointed pursuant to paragraph 22 of resolution 1521 (2003) for a period to commence no later than 30 June until 21 December 2004 to undertake the tasks set out in paragraph 1 of resolution 1549 (2004). In paragraph 3 of the same resolution, the Council requested me to appoint, in consultation with the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, no more than five experts with the range of expertise necessary to fulfil the Panel's mandate, contained in paragraph 1 of resolution 1549 (2004).

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1549 (2004), including that I draw, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1521 (2003), I have appointed the following five experts:

1. Arthur Blundell (Canada)
2. Atabou Bodian (Senegal)
3. Damien Callamand (France)
4. Caspar Fithen (United Kingdom)
5. Tommy Garnett (Sierra Leone)

I have also selected Mr. Bodian to chair the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Kofi A. Annan





**General Assembly
Security Council**

Distr.: General
2 July 2004

Original: English

General Assembly
Fifty-ninth session
Items 57, 100 and 152 of the preliminary list*

Security Council
Fifty-ninth year

Follow-up to the outcome of the Millennium Summit

International drug control

Measures to eliminate international terrorism

**Letter dated 1 July 2004 from the Permanent Representative of
Uzbekistan to the United Nations addressed to the
Secretary-General**

On behalf of the following Permanent Missions of States Members of the United Nations, which are also members of the Shanghai Cooperation Organization, the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan, I have the honour, as a representative of the host country of the Shanghai Cooperation Organization summit, to convey to you the text of the Tashkent Declaration of Heads of Shanghai Cooperation Organization States, adopted at their summit on 17 June 2004 (see annex).

The declaration expresses the common aspiration of the member States of the Shanghai Cooperation Organization to make joint efforts to counter new threats and challenges, including terrorism and illicit drug trafficking, and to foster cooperation in different areas, mainly in the economic sphere.

I should be grateful if you would have the text of the Tashkent Declaration circulated as a document of the General Assembly, under items 57, 100 and 152 of the preliminary list, and also of the Security Council.

(Signed) Alisher Vohidov
Permanent Representative of the Republic of Uzbekistan
to the United Nations

* A/59/50 and Corr.1.



Annex to the letter dated 1 July 2004 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

Tashkent Declaration by the heads of State of the members of the Shanghai Cooperation Organization

[Original: Russian]

The heads of State of the members of the Shanghai Cooperation Organization (hereinafter "SCO" or "the Organization") — the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan — at a meeting in Tashkent of the Council of Heads of State of the Members of SCO held on 17 June 2004, declare the following:

I

The heads of State emphasized that the success achieved by SCO since its inception and the changes in the international situation bear witness to the appropriateness of the institutions and development of the Organization to the trend of the times and to the long-term, fundamental interests of the peoples of the six States, as well as to the correctness of the principles established by the Organization.

The heads of State, noting the successful accomplishment of the tasks of completing the organizational establishment of SCO, outlined at the Moscow summit in May 2003, made a favourable assessment of the work carried out by the Council of Ministers for Foreign Affairs and the Council of National Coordinators.

The heads of State expressed their satisfaction at the timely launch of the standing organs of SCO — the Secretariat in Beijing and the Executive Committee of the Regional Counter-Terrorist Structure in Tashkent and noted the major efforts made by the Chinese and Uzbek parties to create appropriate conditions for their full operation.

In October 2003 the leading organ of the Regional Counter-Terrorist Structure, the Council, began its work. Within the Regional Counter-Terrorist Structure a concrete plan of work was developed and a number of essential legislative instruments were adopted. The essential preconditions were thus in place for the effective functioning of the Structure which has the task of ensuring systemic and focused cooperation, within the framework of SCO, to implement the Shanghai Convention on Combating Terrorism, Separatism and Extremism.

Note was taken of the importance of the uninterrupted operation of the mechanism for funding the activities of SCO to the high-quality and effective resolution of the problems facing the Organization.

The long-term programme of multilateral trade and economic cooperation between the SCO member States adopted by the Council of Heads of Government (Prime Ministers) in Beijing in September 2003 is of vital importance for the strengthening of SCO as a whole and for the development of its economic component. The document not only enshrined a general understanding of the

guidelines, objectives and tasks of the working partnership among the six countries up to the year 2020 but also outlined the ways and means of achieving them.

The Council of Ministers for Foreign Affairs is hard at work. The Protocol on collaboration and the coordination of activity between the ministries of foreign affairs of the six countries has an important role to play in harmonizing the positions of the six countries on current issues in international life.

The heads of State support the initiative of the Republic of Uzbekistan on the holding of regular meetings of the Secretaries of the Security Councils of the member States of the Organization in order to strengthen collaboration among the appropriate national bodies in meeting new threats and challenges.

The heads of State emphasize that, under the new conditions, the Council of National Coordinators, with the support of the SCO Secretariat, must concentrate not only on ensuring the smooth operation of SCO but also on developing conceptual approaches to the further development of the Organization.

Ever since the phase of its inception, SCO, following the principle of openness, has taken part in international relations as an authoritative and equal partner. SCO will continue to do so in the future. A new substantive step in the establishment and broadening of contacts between the Organization and other international groupings and States, irrespective of their geographical location, were the guidelines on observer status in ISC adopted in Tashkent. Work will continue on the documents regulating other forms of international collaboration by SCO as envisaged by the Charter of the Organization.

II

At the close of the period of institutional establishment, SCO embarked on the phase of the development of full scale collaboration by the member States in the framework of the Organization. The heads of State support a gradual and well ordered advance along all the lines defined in the SCO Charter. In that context, cooperation must have both long-term objectives and priorities for the immediate future. The purpose of cooperation is the joint definition of the interests uniting the six countries on the basis of respect for their uniqueness and sovereign rights.

The Agreement on Cooperation against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and Their Precursors, signed in Tashkent, will be of great importance to multilateral efforts in the framework of SCO to confront transnational threats and challenges. The heads of State consider that the progress of implementation of that Agreement should be within the purview of the machinery for meetings of the Secretaries of the Security Councils which might also organize work on the drafting of a multidisciplinary programme document on cooperation in the framework of SCO to address new challenges and threats, including the illicit traffic in weapons, munitions, and explosive, toxic, poisonous and radioactive substances, and mercenarism.

The key to the stability and security of the Central Asian region and of co-terminous States is their steady economic development and satisfying the urgent vital needs of their population.

In that connection, the heads of State deem it essential that, by the forthcoming meeting of the Council of Heads of Government (Prime Ministers) in Bishkek in

autumn 2004, agreement should be reached on the plan for measures to implement the above-mentioned programme of multilateral trade and economic collaboration and that the four groups of experts that have been established should be finalized. It is important to envisage such systemic steps, the implementation of which implies embarking on modern forms of trade and economic collaboration and the expansion of commodity circulation between our countries, the harmonization of the regulatory and legal framework, and the gradual creation of favourable conditions for the free circulation of goods, capital, services and technologies.

In addition to measures already taken or planned to stimulate the processes of integration in the framework of SCO, the heads of State consider it opportune to embark on the creation of an SCO Development Fund and an SCO Business Council and instruct the SCO secretariat to ensure, in the shortest possible time, the preparation of the appropriate documents to give effect to those projects.

On the whole, while assessing positively the development of cooperation in various areas in the period following the Moscow summit, the heads of State draw attention to the vital necessity of ensuring clarity and effectiveness in cooperation between ministries responsible for foreign economic activity and foreign trade, transport, defence, culture, dealing with the aftermath of emergency situations, and also between other structures of the SCO member States.

At the same time, in order to enhance the effectiveness of the work of the institution of meetings of the heads of ministries and departments, particular importance attaches to the prompt completion of the drafting and adoption of legal standards for cooperation, as well as the timely implementation of agreements reached.

It is essential to incorporate environmental protection issues, and the rational and effective utilization of water resources, in the agenda for the development of cooperation in the framework of the Organization. The corresponding ministries and departments, together with scientific establishments, might make a start as early as the current year on joint work to prepare a strategy for SCO in those areas.

III

The heads of State are convinced that the steady development and strengthening of SCO, as an organization that does not form a bloc and is based on the principles of equal partnership, mutual respect, trust and openness, are consistent with the major lines of international development and will promote a broadening of the framework of international dialogue.

SCO is ready to play an active part in the constructive formation of a new security architecture capable of consolidating broad international efforts to respond to the new challenges and threats facing global and regional stability. To that end, SCO will cooperate with other States and international structures, chief among them the United Nations, and make its contribution to security and stability not just in its own area but in the world as a whole.

The heads of State express great concern in connection with the recent sharp upsurge of terrorism and extremism. Terrorists are targeting various countries and regions of the world. Terrorism adapts flexibly to the situation, adopts modern technology and is willing to make use of any unregulated conflicts for its own purposes.

The global threat of terrorism must be opposed by the global system of counter-terrorism, with the United Nations at its core, which must be based on regional, subregional and national structures. At the same time it is important not only to respond adequately to the actions of terrorists but also to endeavour to pre-empt them.

The SCO member States will strengthen their collaboration in the field of security in order to enhance the effectiveness of the fight against terrorism, separatism and extremism and to protect their common interests. The heads of State note the expediency of conducting joint counter-terrorism training with the participation of the law enforcement agencies and special services, aimed at strengthening coordination in the fight against such threats.

The heads of State consider that the responses to the complex challenges of modern times — whether international terrorism or regional conflicts and crises — can and must be found on a multilateral and cooperative basis without dividing states into different categories and in keeping with the standards and principles of international law. Only such an approach will ensure international security and stability in the conditions of globalization. SCO firmly resolves to be guided in its activity by those principles and expresses its willingness to cooperate actively with all States and multilateral groupings on that conceptual basis.

SCO, which is committed to the emergence of a peaceful, united and flourishing Afghanistan living in harmony with its neighbours and with other countries of the world, welcomes the formation in that country of a widely representative government.

The SCO member States, acknowledging the central coordinating role of the United Nations in the implementation of international programmes in that country will strive to promote international cooperation in the fight against terrorism, extremism and drug trafficking in order to establish security, peace and tranquillity as well as to create the essential conditions for the peaceful renewal of Afghanistan.

IV

The heads of State note that the constructive cooperation of all regional groupings in the Asia-Pacific region is of defining importance for the support of peace, stability and prosperity in which all countries in the region undoubtedly have an interest.

The heads of State propose to all the international organizations and forums active in the Asia-Pacific region that they should make a start on the gradual establishment of a partnership network of multilateral entities by concluding among themselves the appropriate agreements, including the granting to one another, on a reciprocal basis, of observer status.

The heads of State consider that the realization of that initiative would promote the formation in the Asia-Pacific region of a cooperative system of overall regional security and cooperation acting in the framework of the United Nations Charter and of international law and taking account, on an equal basis, of the interests of all participants.

Hu Jintao, President of the People's Republic of China

N. A. Nazarbayev, President of the Republic of Kazakhstan

A. A. Akayev, President of the Kyrgyz Republic

V. V. Putin, President of the Russian Federation

E. S. Rakhmonov, President of the Republic of Tajikistan

I. A. Karimov, President of the Republic of Uzbekistan

Tashkent, 17 July 2004



Security Council

Distr.: General
2 July 2004

Original: English

Report by the Secretary-General concerning the credentials of the alternate representatives of Chile on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 1 July 2004 from the Permanent Mission of Chile to the United Nations stating that Mr. Fernando Zalaquett, Mr. Marcos Lopez and Mrs. María Isabel Seguel have been appointed alternate representatives of Chile on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.





Security Council

Distr.: General
2 July 2004

Original: English

Letter dated 2 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instruction from my Government, I have the honour to forward herewith a communiqué from the Ministry of Foreign Affairs and Cooperation, regarding the reopening of the border between the Republic of Rwanda and the Democratic Republic of the Congo, effective 3 July 2004, 0600 hours local time (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Stanislas **Kamanzi**
Ambassador
Permanent Representative



Annex to the letter dated 2 July 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Communiqué from the Ministry of Foreign Affairs and Cooperation

Considering the meeting that took place in Abuja on 25 June 2004 between the Presidents Paul Kagame of Rwanda and Joseph Kabila of the Democratic Republic of the Congo which saw both Presidents recommitting themselves to the implementation of the Pretoria Agreement, through reactivating the joint verification mechanism expeditiously and taking steps to address all other issues outstanding under the Pretoria Agreement, especially the disarmament, demobilization, repatriation and rehabilitation of the *ex-Forces armées rwandaises* (ex-FAR)/*Interahamwe* by the Government of the Democratic Republic of the Congo,

And hoping that the Democratic Republic of the Congo fulfils its commitment to the resolutions of the Abuja meeting,

Considering humanitarian grounds and requests from the international community,

The Government of Rwanda announces the reopening of the border between the Republic of Rwanda and the Democratic Republic of the Congo, effective as of 3 July 2004, 0600 hours local time.

Done at Kigali, 2 July 2004



Security Council

Distr.: General
6 July 2004

Original: English

Report by the Secretary-General concerning the credentials of the alternate representatives of Germany on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 30 June 2004 from the Permanent Mission of Germany to the United Nations stating that Ms. Annette Priess, Mr. Martin Thümmel and Mr. Detlev Wolter have been appointed alternate representatives of Germany on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

